AN

AUTHENTIC ACCOUNT

OF THE

DEBATES

Brit Parl.

IN THE

HOUSE OF LORDS,

ON

TUESDAY, DECEMBER 9,

MONDAY, DECEMBER 15,

AND

WEDNESDAY, DECEMBER 17, 1783.

ON THE

BILL

"For eſtabliſhing certain Regulations for the better
"Management of the Territories, Revenues, and
"Commerce of this Kingdom in the Eaſt-Indies."

To which is added,

AN ACCURATE LIST OF THE DIVISIONS

Both on MONDAY and WEDNESDAY.

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P R E F A C E.

THE newfpapers have been fo exceedingly deficient in their account of the very important debate which took place in the Houfe of Lords on Tuefday the 9th inftant, that a Gentleman who was prefent, and is very anxious that the Public fhould have as accurate an account as poffible of that day's proceedings, has fent the following account to the prefs, in which, however, he is confcious that he has not done juftice to any one of the noble fpeakers.

THE

DEBATE

IN THE

HOUSE of LORDS, &c.

AT half past three o'clock on Tuesday the 9th of December, Mr. Secretary Fox brought up the India Bill from the House of Commons; which being read a first time, the Duke of Portland moved that Monday next be fixed for the second reading of the bill.

Lord Thurlow immediately rose and observed that it was indeed very extraordinary that even the common forms of Parliament

were neglected, though the bill then before their Lordships was of such infinite magnitude. By the order of their Lordships' proceedings, the House should be moved for leave to print the bill; and after that, surely the second reading of a bill of so much importance should be fixed for a distant day.

Earl Temple concurred in opinion with the noble and learned Lord.—The noble Duke his Lordship observed, had moved for several papers to be laid upon the table: He wished to ask the noble Duke if these were all the papers which his brain thought necessary to be produced.——His Lordship added, that as the subject was of the first importance, affecting the chartered rights of British subjects—affecting, nay tending totally to subvert the constitution of this country—He hoped their Lordships would not proceed but upon the most mature deliberation: he therefore trusted to the well-kown candour of the noble Duke, that he would not oppose any farther motion he

might

might make for the production of ſuch papers as to his mind ſeemed neceſſary to the elucidation of ſo important a ſubject. His Lordſhip declared, that he had meant on that day to move for a great number of records and papers from the India Houſe; but not having the liſt in his pocket, he truſted to the honour and the candour of the noble Duke that ſuch a motion would not be oppoſed on a future day.

The Duke of Portland ſaid, he was not prepared to give a poſitive anſwer to his Lordſhip's queſtion. To his mind the papers already on their Lordſhips' table were very ſufficient to evince the abſolute neceſſity for adopting the preſent meaſure; at the ſame time, he ſhould not be againſt the production of farther evidence, if it ſhould appear to the Houſe to be neceſſary.

Lord Thurlow obſerved, that there was a very great degree of indecency in the mode of proceeding; that the ſubject was

perhaps the moſt important that had ever been agitated in Parliament, in whatever light it was taken. In the firſt inſtance it was a moſt atrocious violation of private property—an enquiry which cut every Engliſhman to the bone; and which could only be juſtified by the ſtrongeſt neceſſity. The neceſſity, added his Lordſhip, muſt be fully and fairly proved by evidence brought to the Bar of the Houſe, and not by reports from a committee, to which he would pay as much attention as he would to the adventures of Robinſon Cruſoe. In the next place, ſuppoſing the neceſſity of an interference to be proved beyond the power of cavil, ſtill, his Lordſhip contended, that the preſent bill neither went to the correction of any exiſting evil, to the prevention of evil in future, nor to the relief of the Company's wants. It was, in fact, a moſt direct and daring attack upon the conſtitution of this country, and was a ſubverſion of the firſt principles of the Britiſh government. When, therefore, ſuch a bill was brought forward, it behoved their Lordſhips to be very accurate-

ly

ly informed of the real ſtate of the Company's affairs.

Lord Loughborough replied to Lord Thurlow. His Lordſhip ſtated, that the Charter of the Eaſt-India Company had been violated upon former occaſions. He particularly inſtanced the Regulating Act of 1773, which he diſapproved becauſe it did not go far enough. In fact, it was impoſſible to regulate the Company's affairs without an infringement of their Charter. Surely their Lordſhips muſt all agree in the propriety of ſomething being done. Look to the ſtate of the Company in England. It owes above a million ſterling to Government; bills have been drawn from India to a great amount. Let us caſt our eyes to the Company's ſettlements abroad. What ſcenes of deſolation and diſtreſs do we behold!—A prince has been driven from his palace—his treaſures have been ſeized, and he is now a fugitive through the plains of Indoſtan. Fertile provinces have been laid waſte; wars have been unneceſſarily

waged;

waged; and though we have concluded a peace with the Marattas, yet this, in fact, leads us to a new war. The treaty between the English and Marattas having for its objects the conqueſt and partition of Tippoo Saib's dominions, may involve us in endleſs diſputes. In ſhort, continued his Lordſhip, wherever I turn my attention, I find very ſufficient reaſons for giving my ſupport to the preſent bill, from the confuſed and diſtreſſed ſtate of the Eaſt-India Company's affairs.

Lord Thurlow obſerved, that the noble and learned Lord had not yet given any ſolution to his difficulties. I aſk the noble and learned Lord if he can reconcile the principle of the preſent bill to the principles of the Britiſh conſtitution, admitting even what we have as yet not the ſmalleſt cauſe to admit, that the neceſſity of an immediate interference by Parliament is apparent. The noble and learned Lord fills ſo high an office in two of his Majeſty's courts, that I ſhould naturally expect to ſee him the champion of our glorious conſtitution. It is not

not fitting that ſo great a character ſhould meddle in the dirty pool of politics. The preſent bill means evidently to create a power which is unknown to the conſtitution. An *imperium in imperio*;—but as I abhor tyranny in all its ſhapes, I ſhall oppoſe moſt ſtrenuouſly this ſtrange attempt to deſtroy the true balance of our conſtitution. The preſent bill does not tend to increaſe the influence of the Crown; but it tends to ſet up a power in the kingdom which may be uſed in oppoſition to the Crown, and to the deſtruction of the liberties of the people. I wiſh to ſee the Crown great and reſpectable; but if the preſent bill ſhould paſs, it will be no longer worthy of a man of honour to wear. The King will, in fact, take the diadem from his own head, and place it on the head of Mr. Fox. Your Lordſhips have heard much of the Ninth Report of the Select Committee. That extraordinary performance has been in every body's hands.—The ingenious author ſtates, that "The "Eaſt-India Company is in poſſeſſion of a "vaſt

"vaſt empire, with ſuch a boundleſs patronage, civil, military, marine, commercial, and financial, in every department of which ſuch fortunes have been made as could be made no where elſe."— This, my Lords, is the true deſcription of that vaſt and boundleſs patronage, which this bill means to throw into the hands of the Miniſter of the preſent day: I ſpeak the language of the late Marquis of Rockingham, for whom I had the higheſt reſpect and regard, and to whom I have been much obliged, when I ſay, that every Miniſter of this country will naturally ſtrengthen his party by increaſing his friends, and diſpoſing of every office of honour or of emolument amongſt thoſe who will ſupport his meaſures; with this explanation of the ſyſtem on which the preſent Miniſters act, and indeed in which all Miniſters muſt act, let me conjure your Lordſhips to weigh well the conſequences which will reſult to the conſtitution of this country, ſhould the preſent bill paſs into a law. By the fundamental principles of this conſtitution, the executive

executive power of the State is placed in the hands of the Crown. We have heard much, my Lords, of late years, of the alarming increafe of the influence of the Crown, I will candidly confefs to your Lordſhips, that I have never feen the influence of the Crown too great. I wiſh to fee the Crown great and refpectable; and if the boundlefs patronage of the Eaſt muſt be taken from the Company, if regulations wifely adopted, and ſteadily enforced, will not be fufficient to remedy exiſting evils, let the boundlefs patronage of the Eaſt be placed where only, with fafety to the conſtitution of this country it can be placed; in the hands of the executive government. In the laſt year we paffed an act to prevent contractors from fitting in Parliament; but by the prefent bill, Mr. Fox's contractors do not even vacate their feats.—Such is the diſtinction between the Crown and a fubject.

In the laſt year we paffed an act to prevent Cuſtom-houfe officers from voting for

members of Parliament, ſo cautious were we to preſerve the purity of the Houſe of Commons, and to diminiſh the influence of the Crown; but in defiance of every principle which was then profeſſed, no jealouſy is expreſſed of the man who is to have in his poſſeſſion the boundleſs patronage of the Eaſt. The doctrine advanced by the noble and learned Lord, is indeed extraordinary. He tells you that the act of 1773, was an infringement of the charter of the Eaſt India Company, but that his objection was, that it did not go far enough; and therefore he would totally deſtroy the charter.—The noble and learned Lord will recollect the doctrine of the King's Attorney-General, Sir Robert Sawyer, in the unconſtitutional and infamous reign of Charles the IId. as detailed to us in that miniſterial Gazette, that receptacle of all true intelligence, Mr. Woodfall's paper. Yet, my Lords, how was the doctrine of Sir Robert Sawyer reprobated by the Attorney-General of that day? The charter of the city of London was taken away, not becauſe ac-

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cording to Sir Robert Sawyer's opinion, it was for their good, but becaufe the court was induced to declare it had been forfeited. At the Revolution, however, it was reftored, and the ftrongeft marks of abhorrence were expreffed at fo atrocious a deed, perpetrated under the femblance of juftice. But before the Houfe can confider this very important bill on that ground, to which every Englifhman muft naturally object to it, that it is directly fubverfive of our venerable conftitution; and on that ground I challenge the noble and learned Lord to meet my argument fully and fairly, it will be neceffary to confider the real ftate of the Eaft India Company. Let us not be mifled by reports from Committees of another Houfe, to which, I again repeat, I pay as much attention as I would do to the hiftory of Robinfon Crufoe. Let the conduct of the Eaft India Company be fairly and fully enquired into; let it be acquitted or condemned by evidence brought to the Bar of the Houfe. Without entering very deep into the fubject, let me reply, in a few words, to an

obſervation which fell from a noble and learned Lord, that the Company's finances are diſtreſſed, and that they owe, at this moment, a million ſterling to the nation. When ſuch a charge is brought, will Parliament, in its juſtice, forget that the Company is reſtricted from employing that credit, which its great and flouriſhing ſituation gives to it? Will Parliament, in its juſtice, forget that all the bill-holders of the Company are willing to extend the period of payment? Will Parliament, in its juſtice, forget that ſo high is the credit of this Company, that if the reſtrictions were taken off to-morrow morning, every demand due to the State would be diſcharged? Will Parliament, in its juſtice, forget that not all the wiſdom of his Majeſty's councils, nor the united wiſdom of this country, has prevented us from being involved in a long, a dangerous, and an expenſive war? Will Parliament, in its juſtice, forget, that though we have met with loſs, misfortune, and diſgrace, in every other quarter of the globe, this delinquent Eaſt India Company has ſurmounted

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the moſt aſtoniſhing difficulties in India? Will the juſtice of Parliament forget, that when peace was at laſt reſtored to this unfortunate country, the conqueſts of this delinquent Company were given up to prevent farther ſacrifices in the Weſt? Will Parliament, in its juſtice, forget that this delinquent Company, by the additional expence of freight, or captures at ſea, has ſuſtained a loſs of two millions, ſeven hundred thouſand pounds, in conſequence of our national war? Will Parliament, in its juſtice, forget, that when this country has encreaſed its debt above one hundred millions ſterling, this delinquent Company wants but a little time to pay all it owes to the Exchequer, or privilege to uſe its flowing credit? Will Parliament, in its juſtice forget that at a former period, when its commerce was circumſcribed, when it had not an empire to ſupport, this delinquent Company was allowed to iſſue bonds to the amount of three millions ſterling, though now limited, at the cloſe of an extenſive and calamitous war, to the ſum of fifteen hundred thouſand pounds?

pounds? Theſe are circumſtances which muſt be recollected, when we mean to violate private property—an injury which muſt cut every Engliſhman to the bone, and which nothing but the ſtrongeſt neceſſity, fully and fairly proved, can ever juſtify. The noble and learned Lord has mentioned the depopulation of fertile provinces in India, the expulſion of a king from his palace, and the cruelties exerciſed upon an old woman. Theſe, my Lords, are ſounding words, but I call upon the noble and learned Lord to prove the facts.—It is ſomething ſingular, that when the character of Mr. Haſtings is thus held up to public deteſtation, his name ſhould be cautiouſly ſuppreſſed. Whence, my Lords, this remarkable degree of delicacy towards Mr. Haſtings? If he is a deſolator of provinces; if he is a plunderer, and an enemy to the human race, let him be puniſhed for his crimes, but let the facts be proved. The little, low, dirty attempts of malice and faction, which have long been employed to deſtroy the character of that great man (as

I think him) can have no weight with your Lordſhips. How induſtriouſly, my Lords, has every tranſaction of Mr. Haſtings's long government, that could tend to criminate him, been circulated? The reports of a Committee have been ſold as pamphlets. The ingenuity of ſome men, the induſtry and the warm imagination of others, have been long employed to ſully the well earned reputation of Mr. Haſtings. To my mind, my Lords, Mr. Haſtings is one of the moſt extraordinary characters that this country has ever produced. He has ſerved the Eaſt-India Company thirty three years in the moſt important ſituations, twelve years as Governor, or Governor-General of Bengal. He is a man, my Lords, whoſe integrity, whoſe honour, whoſe firmneſs of mind, and whoſe perſeverance, are not only very generally acknowledged in this kingdom, and in Aſia, but throughout the continent of Europe. He is a man, my Lords, who poſſeſſes a moſt extenſive knowledge of the languages, the politics, the cuſtoms, and the revenues

of

of Hindoftan. He is a man, my Lords, who infufed the fpirit which animated his own mind, and rofe fuperior to the aftonifhing difficulties he had to encounter into the breafts of our brave and intrepid countrymen, who have fo nobly diftinguifhed themfelves in Afia. Mr. Haftings is a man, my Lords, who has re-eftablifhed peace in India, who furnifhed refources for the war while it lafted, by an increafe of revenue in Bengal, and has preferved the provinces under his more immediate controul in peace and tranquillity. Mr. Haftings is a man, my Lords, who has held a bold and confiftent language throughout. When the Government of this country fent three men to thwart and to oppofe all his meafures, he defired either to be recalled or confirmed. Would to God thofe men had never arrived there. When I confider the fcene of confufion that enfued, the factious, perfonal, and party fpirit, by which they were actuated from the very hour of their landing, I am aftonifhed that Mr. Haftings has been able to furmount fo arduous a trial.

What

What have been the means, my Lords, to which Mr. Haſtings has had recourſe to preſerve his power? Has he employed the low and dirty arts of intrigue, which have heretofore been practiſed?

No, my Lords, he has been ſupported by the voice of the public — by great and meritorious actions! This being my opinion of Mr. Haſtings, I ſhall ſupport him until evidence of his delinquency ſhall be produced. Whence, my Lords, this extreme deſire to avoid a full and pure diſcuſſion of this queſtion? I again repeat it; if Mr. Haſtings is guilty, recall him, puniſh him; but do not, my Lords, let us be deluded by tales fabricated for the purpoſe of the hour, and circulated with a degree of induſtry which diſgraces the honour and dignity of the Britiſh nation. I cannot help adding, my Lords, that to my mind the late diſpatches from India contain ſuch convincing proofs of the vigour of our Government in Bengal, of the regulations formed for the collection of the revenues,

 and

and the adminiſtration of juſtice throughout the provinces, added to the œconomical arrangements formed in the civil and military departments, that I do believe it will not be in the power of any clerk in office, that Mr. Fox's Directors may ſend out, to throw Bengal into confuſion again in leſs than two or three years.

Lord Townſhend then obſerved, that the queſtion then before their Lordſhips was undoubtedly of the utmoſt importance. The meaſure was bold and rapid; for his part, his Lordſhip ſaid, he loved bold and rapid meaſures, when the neceſſity for ſuch meaſure was evident. He conjured their Lordſhips to conſider the ſtate of the Eaſt-India Company's affairs both at home and abroad, and that they would reſiſt every attempt to create an unneceſſary delay.

Lord Temple obſerved, that he did not mean to protract or to delay the conſidera-

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tion of the prefent bill: he trufted, indeed, that a bill fo dangerous in its principle, fo fubverfive of the conftitution, could never pafs that Houfe. The papers his Lordfhip meant to move for, were abfolutely neceffary, provided the bill was to come under their Lordfhips' confideration.

Lord Townfhend rofe to difavow any reflection upon the laft noble fpeaker, in what he had faid.

The Earl of Derby expreffed his perfect acquiefcence in the opinion of the noble Lord (Thurlow:) his Lordfhip faid, it would be impoffible to determine upon the juftice and injuftice of the prefent meafure, without going very fully into the conduct of the Company, and its chief fervant, Mr. Haftings. This, his Lordfhip pledged himfelf to the Houfe, he would do on a future day.

Lord Loughborough then rofe and obferved, that as there was, in fact, no quef-

tion before the Houfe, he muft apologize to their Lordfhips for taking up a few minutes of their time, in reply to what fell from the noble and learned Lord. With refpect to what the learned Lord had faid of Mr. Haftings, he begged to obferve, that he meant neither to difpute nor to cement the very warm eulogium he had paffed upon that gentleman. Indeed he thought the merits or demerits of Mr. Haftings, made no part of the prefent bufinefs: it was a defective fyftem that he wifhed to correct; and Mr. Haftings himfelf had complained that the prefent fyftem was defective. His Lordfhip declared, that he wifhed, therefore, to put Mr. Haftings entirely out of the queftion in the difcuffion of the prefent bufinefs. He trufted the learned Lord would thank him for giving him an opportunity of explaining a very harfh expreffion which he had ufed. The late Sir John Clavering and Colonel Monfon were men of as ftrict integrity, and as high a fenfe of their honour, as this country had ever produced. They had facri-

ficed their lives in the public ſervice; and, ſurely, when their names were mentioned, it ſhould only be with that degree of reſpect which is due to their great and exalted characters. With reſpect to the gentleman (Mr. Francis) who had returned to this country, he believed his abilities were univerſally allowed; nor had his Lordſhip ever heard the ſmalleſt reflection caſt upon his integrity, or honourable conduct, from the time he went abroad until he returned. Theſe three gentlemen were ſent to Bengal; Mr. Haſtings and Mr. Barwell, who then ſtood high in the opinion of his Majeſty's Miniſters, were aſſociated with them in the government, becauſe it was neceſſary that ſome of the old ſervants of the Company ſhould have a ſhare in the adminiſtration of their affairs. Diſputes unfortunately broke out; and from a variety of cauſes, needleſs now to relate, though both parties certainly called for a deciſive determination on the ſubject of thoſe diſputes, none were ever ſent. This, however, his Lordſhip obſerved, is foreign to the ſubject before the

Houſe.

Houſe. With reſpect to the production of farther papers, the neceſſity did not then ſtrike him. His Lordſhip ſaid, that the buſineſs of India, for the laſt ten years, was as well known as the campaigns of the Duke of Marlborough. Every bookſeller's ſhop was full of India tracts; and the Houſe was certainly as competent to judge now, as they could be ten months hence, of the propriety or impropriety of the preſent bill. With reſpect to the doctrine adopted by Sir Robert Sawyer, in the reign of Charles the Second, he could aſſure the learned Lord, that he entertained as ſtrong ſentiments of abhorrence for ſuch a doctrine, as the noble and learned Lord could do.

Lord Thurlow. I am much obliged to the noble and learned Lord for the opportunity he has given me for retracting an haſty and intemperate expreſſion. I do not, however, feel myſelf at all inclined to retract it: your Lordſhips know perfectly well, that I was not ſpeaking of the gentle-

gentlemen who are deceafed as private characters. In that view I go along with the noble and learned Lord moft fincerely; but fpeaking of them as public men, I fay their arrival in India was a public misfortune, and would to God they had not arrived there! If I wanted a convincing proof of the juftice of my former fentiments, the noble and learned Lord has given me one. He tells your Lordfhips that thefe gentlemen were fent to India; and that Mr. Haftings and Mr. Barwell were affociated with them, becaufe it was neceffary to employ fome perfons of experience in the Company's affairs. Thefe three gentlemen, by the learned Lord's confeffion, went out as a party from this country; and as a party they acted, from the very day, from the very hour of their landing in Bengal. It is the confequences which refulted from a fyftematic oppofition to the government of Mr. Haftings that I deplore. It was that fyftematic oppofition which has prevented this country from benefiting, as it would otherwife have done, by the

great

great and ſplendid talents of Mr. Haſtings; and I am aſtoniſhed how the ſuperior mind even of that great man, has been able to bear up againſt the attempts of malice, party, and faction, ſo induſtriouſly excited to diſgrace him for the laſt eight years of his life. The noble and learned Lord declares, that the merits and demerits of Mr. Haſtings are not to be included in the diſcuſſion of the preſent bill. Good God, my Lords, what language is this? The learned Lord deſcribed the conſequences of various acts, of which Mr. Haſtings is ſaid to be the author; and ſhall we ſhrink from, or blink the fair queſtion? Let Mr. Haſtings riſe or fall by his merits: it is impoſſible to avoid a full diſcuſſion of his conduct, and of the Company's management. Has it yet been proved, my Lords, that diſorders of an alarming magnitude prevail in India? The Eaſt-India Company declare, that by the exertions of their ſervants abroad, and their Directors at home, they have repelled the efforts of all their enemies to ſubdue them; and that the calamities,

mities which have happened, unfortunate and diftreffing as they are undoubtedly, are infeparable from a ftate of war. Shall we, my Lords, be borne down by the tide of faction, party, or felf-intereft? Let us firft prove the extent of the evil, and then it will be time enough to confider the nature of the mode propofed for the prevention of fuch an evil in future. I will not do fo great an injuftice to the character of the noble Duke, as to fuppofe, for a moment, that his Grace is capable of adopting that line of conduct now, which he fo feverely reprobated in Minifters on a former occafion. The noble Duke will, doubtlefs, be defirous of tranfmitting his name with honour to pofterity; and whatever may be the opinion of other noble Lords, his Grace, I am fure, will co-operate cordially in giving the prefent fubject a full, a liberal, and a free difcuffion.

The Duke of Richmond, in very fevere and pointed terms, condemned the prefent bill. His Grace contended that it was the

unhappy interference of Miniſters which had produced the preſent miſchiefs. The Company, when left to itſelf, was great and flouriſhing; and the advice he formerly gave regarding the curſed American war, he would give upon the preſent meaſure — Begin by undoing all you have done, and leave the Company to themſelves. His Grace then lamented the fatal Coalition which had taken place ſome months ago — To that he attributed the preſent unconſtitutional meaſure — That baneful Coalition, he ſaid, had induced many very worthy men to believe that there was not a grain of public virtue in the nation; and ſurely the preſent meaſure would tend moſt ſtrongly to confirm that opinion. His Grace then adverted to the line which the Duke of Portland had taken in 1773, when a meaſure of a very inferior degree of atrocity indeed was propoſed by the Miniſters of that day. How was it poſſible he could ſupport ſuch a meaſure without a ſacrifice of every principle he had formerly profeſſed? One of theſe three conſequences muſt reſult,

as

as his Grace obſerved, from the unnatural Coalition — The Duke of Portland muſt give up his principles to Lord North, or Lord North muſt yield his to the Duke of Portland, or both muſt ſacrifice their principles to their intereſt. His Grace profeſſed his high opinion of the honour of the Duke of Portland; but he had been miſled and deceived by his hireling dependants, otherwiſe it was impoſſible he could now ſupport a ſyſtem which he had formerly condemned in ſuch ſtrong terms.

The Duke of Portland roſe, and, with warmth and energy, denied that he had changed his principles; he ſtill adhered to them, and ſubſcribed moſt heartily to the ſentiments of the proteſts which he had ſigned in 1773. Circumſtances however had changed — and the preſent bill was neceſſary, in order to ſave the Eaſt-India Company and the nation from ruin — Such was the ſituation of the Company, that ſomething muſt be done. He deſired the noble Duke, before he made ſuch reflec-

tions on his conduct, to consider seriously the state of the country at the time the Coalition took place — What would have been the consequence if that event had not been brought about, no man would venture to say.

The Duke of Richmond again rose, to reply to the observations of the noble Duke. He totally denied the existence of such a necessity now, or, indeed, that such a necessity should ever exist, as would compel the Legislature of this country to destroy the rights of their fellow subjects without even an enquiry. He lamented that his Grace had so entirely changed his principles. The Duke then read from a paper, the several motions which had been made for papers by his Grace in the year 1773; and he proved that his Grace now held that language which he had formerly condemned. — A perusal of the protest which the Duke of Portland had formerly signed, was a pledge to posterity of his principles. If he now altered his opinion, posterity would

judge

judge of the motives for fuch a conduct. The Duke of Richmond faid he gloried in having figned that proteft: he faid he fhould act with confiftency on this, and, he hoped, on every other occafion. The baneful fyftem which he had reprobated in 1773, he fhould firmly oppofe in 1783. For his part, he neither wifhed the Crown nor the Minifter to poffefs the boundlefs patronage of the Eaft: but of this he was fure, that the prefent bill militated againft every principle of the Conftitution. The arguments adduced, both within doors and without, to juftify the meafure, were indeed moft curious; becaufe Lord North very unjuftifiably enjoyed a fmall part of the patronage of the Eaft in fecret, we will therefore give the Minifter the whole in the face of day. His Grace then went fully into Lord North's management of the Eaft-India Company, through his fecretary, Mr. Robinfon: he faid, Lord North had nominated Directors in many inftances, and all the evil that had happened was owing to his interference — That unhappy man, continued

tinued his Grace, was ſurely born to be the ruin of this country — To him we owe the American war — To him we owe the misfortunes of the Eaſt-India Company — That Company was great and flouriſhing in 1773, when its conſtitution was broke in upon — From that time the Miniſter is reſponſible for all that has happened. Admitting, with the learned Lord, (Loughborough) that Mr. Haſtings has been culpable, how often and how earneſtly has he called upon Lord North to remove him, if he diſapproved of his conduct? Admitting, on the other hand, that Mr. Haſtings, under every obſtruction, has ſaved India, and that there is a fair proſpect of peace and tranquillity in our poſſeſſions. — Lord North is reſponſible for not having decided between the contending parties; ſo that in whatever light the ſubject is viewed, it is to a want of vigour and reſolution in the late Miniſter, and to a deſire of acquiring patronage without reſponſibility, that the misfortunes in India have been owing. The only remedy, his Grace added, which promiſes

promifes to be fuccefsful, is, to free the Company from the vexatious interference of Minifters — To prevent their relations or their dependants from getting to India, and they will foon extricate themfelves from all their difficulties.

The Earl of Carlifle earneftly preffed their Lordfhips to proceed on the important bufinefs of India, with as much fpeed as poffible. He defcribed the diftrefs of the Company at home, and the confufion that reigned abroad, nearly in the fame terms with Lord Loughborough; and he expreffed his firm conviction, that nothing but the interpofition of Parliament could prevent this country from being deeply involved in the ruin of the Eaft-India Company.

Lord Sydney profeffed his entire difapprobation of the principle of the bill. It went, his Lordfhip faid, to the erection of an influence more dangerous than the influence of the Crown, and was di-

rectly

rectly ſubverſive of the conſtitution. His Lordſhip then adverted to a very extraordinary language that had been uttered, that this bill had paſſed the Lower Houſe by a very great majority, and therefore it came with additional ſtrength to their Lordſhips. He had ſpent the greateſt part of his life in the Lower Houſe, and no man held that Houſe in greater reſpect than he did; but he begged their Lordſhips to recollect, that meaſures which, in their conſequences, had ruined this nation, were carried by a ſtill greater majority than the preſent. He alluded to the progreſſive ſteps taken in ſupport of the curſed American war for two years and upwards. After dwelling upon this for ſome time, with great force of argument, his Lordſhip intreated the Houſe not to be led away by majorities in another Houſe, but to determine on the only ground on which a meaſure could ſurely be determined upon, its merits or demerits.

Lord

Lord Abingdon ſpoke next, in a ſtile of great warmth: he ſaid the bill deſerved every injurious epithet he could beſtow upon it; that it was not only founded in injuſtice, and a public robbery, but a treaſonable bill, and whoever ſupported ſuch a bill, was guilty of treaſon to the conſtitution. His Lordſhip was proceeding, when Lord Townſhend called him to order. Lord Abingdon contented himſelf with declaring he was not diſorderly; and that if he was again called to order, he would move to read the proteſt ſigned by the Duke of Portland in 1773.

Earl Temple then moved for leave to preſent a petition from the Eaſt India Company. The petition was brought up and read; and the Houſe adjourned about half an hour after eight o'clock.

MONDAY, *December* 15.

About three o'clock the Earl of Abingdon roſe, and obſerved that if the atten-

dance of their Lordſhips had been then more numerous, he ſhould have ſubmitted to their conſideration ſome remarks and ſubſequent propoſitions relative to the Eaſt-India bill, and other points of great importance; but he muſt beg leave to defer theſe until the houſe ſhould become more filled.

Many Peers entering ſoon afterwards, the Earl of Abingdon roſe again, and ſaid,

My Lords, the moment being now arrived when we are called upon, not only by the voice of the nation, but by the peculiar characteriſtic of this Houſe, the feelings of our own honour, to exerciſe that function which the Conſtitution of the country hath placed in us; I mean, my Lords, that of holding between the King and people the balance of the State in the ſcale of its government; or, as Charles the Firſt uſed to expreſs it, "of being that excellent ſcreen between the Prince and the people, to aſſiſt each againſt the encroachments of the other."

It

It is therefore that I rife, and before any other proceedings are had upon the bill that is now before us, for "vefting the affairs of the Eaft-India Company in the hands of certain Directors," to trouble your Lordfhips with a very few words, as introductory to a motion which I mean to have the honour of fubmitting to your Lordfhips' confideration.

My Lords, the bill before us, "for "vefting the affairs of the Eaft-India Com- "pany in the hands of certain Directors," is, in a threefold manner, now under the contemplation of this Houfe; and it is fo, my Lords, firft, in addrefs and appeal to us in our legiflative capacities, in common with the two other branches of the legiflature.

Secondly, in addrefs and appeal to us as the Supreme Court of Judicature, or dernier refort of juftice, diftinct from the two other branches of the legiflature, and appertaining to ourfelves.

 And,

And, thirdly, my Lords, in that capacity, in that peculiar and diftinguifhed capacity to which I have juft alluded, the capacity of being the mediator between the King and the people, and of rendering juftice to both, by oppofing as well the encroachments of the Crown upon the liberties of the fubject, as the encroachments of the fubject upon the juft prerogative of the Crown.

Of the two former, my Lords, our legiflative and judiciary capacities, and our duties therein upon this occafion, I fhall not now take up any of your Lordfhips' time, nor, I truft, fhall I have any future occafion to do fo; but it is to the third, our mediation between the Crown and its fubjects, grounded upon the prefent neceffity of our interference, that at this moment leads me to call for your Lordfhips' attention.

Of the bill, my Lords, of which I have fpoken, your Lordfhips having read it, it

is unneceſſary for me to enter into the detail of its particulars; indeed it is not the time for me to do ſo, and I muſt again hope, that that time will never arrive. But it is to its principle that I am now to look; and, in ſo doing, enough and enough remains to occupy the deepeſt and moſt ſolemn reflections of this Houſe; for, in this view of the bill, what is it that your Lordſhips have to ſee, but a bill that has for its ſubject-matter, propoſitions as fatal to the juſt prerogative of the Crown, by their adoption, as by their effects they will be found ruinous to, and ſubverſive of the rights, liberties, and properties of the ſubject. Propoſitions, as unique in themſelves, as they are unmatched in the annals of our hiſtory. Propoſitions, big with ambition, with ambition no leſs violent than that which filled the mind of Cromwell, and brought the head of Charles the Firſt to the block. No leſs violent did I ſay, my Lords? Ten times more violent, more daring, more enterpriſing! For, in the caſe of *that* Cromwell, he had ſome

ground

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ground to ſtand upon, he had arguments to offer, he had reaſons to aſſign, he had, at leaſt, that plea of tyrants, the plea of neceſſity for what he did; for, in the words of Lord Bolingbroke, he had this to ſay, either that "Charles the Firſt muſt loſe "his head, or England loſe its liberties."

But in the caſe of the Cromwell of this bill, what has he to urge for that which he has done? What ground has he to ſtand upon, what arguments to offer, what reaſons to aſſign, what plea of neceſſity to ſtate? A plea of neceſſity, it is true, he had: he ſtated to the Houſe of Commons, that the Eaſt-India Company was bankrupt; it was falſe in ſtatement, it was falſe in proof. But I admit the truth of both; and yet, whence aroſe the neceſſity of ſubverting the conſtitution of this country, by placing the executive power of Government in the hands of a mountebank Secretary of State? A Secretary of State who does not ſhrink back from declaring, that he is not the King's Miniſter, but the Miniſter of the

People;

People; who glories in the diſtinction, who fortifies himſelf under it in the Houſe in which he acts. And yet, my Lords, no more the Miniſter of the People, than I the friend of his politics. The Miniſter, it is true, of a corrupt majority of the Houſe of Commons, where the people now are, as he ſays; but not the Miniſter of the People, as when mounted on his ſtage at Covent-Garden, and in Weſtminſter-Hall.

But, I ſay, my Lords, whence aroſe the neceſſity of this ſubverſion of the Conſtitution? Whence aroſe the neceſſity of erecting a new power in the State—a middle power between the King and people, on the one hand holding the King in chains, and on the other ruling the people, through the medium of a corrupt majority in Parliament, with a rod of iron? And yet, my Lords, this is the propoſition *in totidem verbis*: a propoſition to wreſt the reins of Government out of the hands of the executive power, and to place it in the hands of

a ſelf-

a ſelf-created demagogue, ſupported by a factious and deſperate cabal; a propoſition therefore no leſs injurious to the people, than at the ſame time furniſhing the moſt direct attack upon Majeſty that the annals of our hiſtory afford; a propoſition, as I have ſaid, more daring even than that which brought the head of Charles the Firſt to the block, becauſe leſs founded: a propoſition of ambition no leſs glaring, but, I truſt, my Lords, leſs hopeful, for it is ours to prevent it.

But, my Lords, it has been ſaid of this bill, on the one ſide, that it will increaſe the influence of the Crown; and it has been cunningly and craftily not denied on the other. But this is not the truth, my Lords; I deny the fact; the reverſe is the truth. This bill is not to increaſe the influence of the Crown; it is to deſtroy it. It is, I admit, to obtain an influence; but an influence as poiſonous to the juſt influence and legal prerogative of the Crown, as it is deadly to the rights and liberties of the people.

And

And when I ſay this, my Lords, let it not be thought that I ſpeak raſhly and unadviſedly upon the ſubject, that I talk without book, that I reaſon without my hoſt, that I am unſupported in what I ſay; I ſpeak, my Lords, to the ſenſe and knowledge of the Houſe; for, my Lords, that to pull down the influence of the Crown has been the long unremitting endeavours of the Miniſter of the people and his Whig connections, as they are called, (for of his Tory coalition I ſhall preſently ſpeak) the Houſe wants no information. The facts of this ſpeak for themſelves. We have ſeen bills of Reform upon bills of Reform to this end paſſing into acts of the Legiſlature; bills taking away from the ſplendour of the Crown, no leſs neceſſary to Majeſty than the birthright of the Prince; bills meanly and ignominiouſly deſcending into the very kitchen and cellar of the King, there to retrench and deprive his Majeſty of the very comforts and proviſions of his table. Can it then, my Lords, even in ſuppoſition, be thought, that thoſe who have done this,

can now have any view or intention to throw the wealth of the Eaſt into the lap of the Throne? No, my Lords; the very ſuppoſition is abſurdity itſelf: beſides, the bill ſtates the contrary. For four years certain, the Crown has nothing to do with it; and give me a leaſe for four years of ſuch means of corruption as theſe are, and I muſt be, what the Miniſter of the people is not, a very ſilly fellow indeed, if I don't purchaſe a fee ſimple in the premiſes for ever after.

But this is not all, my Lords; for let us look for demonſtration upon this ſubject to the tenets and principles of this party of men. And in doing this, let us look to their creed, in a well-known publication of theirs, called "Thoughts on the preſent Diſcontents;" and then look to their practice upon that creed. Look to their creed, and there you will find, that whilſt it pulls the influence of the Crown down to the ground, it ſets up another influence ten times more dangerous—ten times more de-

ſtructive

ſtructive to the conſtitution. The influence of an Ariſtocracy, or to expreſs it in their own words, the influence of connection; and of which this creed ſpeaking, ſays, "In one of the moſt fortunate peri-"ods of our hiſtory, this country was go-"verned by a connection; I mean the "great connection of Whigs in the reign "of Queen Anne." Such is this influence, my Lords. The influence of an Oligarchical junto in the two Houſes of Parliament, holding, as I have ſaid, the King captive in the one hand, and with the other ruling the people, not by the fundamental laws of the land, but after the manner of this bill, by laws "of mere political diſ-"cretion only," and ſubverſive of their rights, liberties, and properties.

But, my Lords, let us now look to their practice upon this creed; and here, I am aware, I am anticipated by the Houſe, and that the day which ſtains, and will continue everlaſtingly to ſtain the journals of Parliament, I mean the 17th day of

February laſt, is uppermoſt in the thoughts, and preſent to the minds of every one of your Lordſhips. A day of connection, my Lords, a day, when by an infamous and wicked connection of principles, not the connection of *idem ſentire de republicâ*, which alone is or can be the baſis of all well intentioned political union, but of the moſt jarring factions, a connection which one might have thought no chemiſtry either on earth or in heaven could ever have brought together: I ſay, my Lords, a day when his Majeſty was beſieged in his Cabinet; when he was told the appointment of his own domeſtic ſervants did not lie in him; when his Majeſty reſiſted; but when after a ſix-weeks reſiſtance, with a fortitude of mind that will add luſtre to his reign, he fell a victim to this connection.

And thus, my Lords, has the theory of theſe politics been now reduced to practice; for ſuch have been the effects of this connection, which is now ſought by this bill. Not the influence of the King's Miniſter

for

for the King, but of the King's Minifter againft the King. Of the King's Minifter, who, if this bill paffes, may fay to the King, I am the Minifter of this country, and let my conduct be what it will, let my infults to you be what they may, it is not in your power, it is what you dare not do, it is not for you to remove me.

But, my Lords, that I may trefpafs no longer on the time and patience of the Houfe, the motion which I fhall have the honour to fubmit to your Lordfhips is this: —

That the Judges may be fummoned to attend this Houfe, in order to give their advice in point of law, upon the bill now depending in Parliament "for vefting the affairs of the Eaft-India Company in the hands of certain Directors," &c.

And here, my Lords, whilft, as the ground of this motion, I take the liberty of ftating to your Lordfhips the

queries,

queries, which (as neceſſary to my information at leaſt) I ſhall propound to the Judges for their counſel and advice; ſo by this motion, will an opportunity be afforded to the Houſe, of having any other difficulties reſolved in point of law, which may occur to any other individuals of your Lordſhips.

My Lords, the query is this:

Whether by the commiſſion, as ſet up in the bill for veſting the affairs of the Eaſt-India Company in the hands of certain directors, an executive power be not thereby inſtituted, new in the government, and unknown to the conſtitution of the country; and whether that executive power be not as well derogatory to the Crown, and hurtful to the juſt, legal, and royal prerogative of the King, as dangerous to the rights, liberties, and properties of the ſubject?

Now, my Lords, in putting this query to the Judges, I find myſelf no leſs upheld therein by the ſpirit of the conſtitution, than

than confirmed by the letter of the law; by the ſpirit of the conſtitution, my Lords, as handed down to us by the very ingenious and learned author of the ſpirit of laws; who, ſpeaking of the Engliſh conſtitution, ſays that the executive power ought to be in the hands of a monarch; becauſe this branch of government, which has always need of expedition, is better adminiſtered by one than by many: whereas whatever depends on the legiſlative power is oftentimes better regulated by many than by a ſingle perſon. Again: But if there was no monarch, ſays he, and the executive power was committed to a certain number of perſons ſelected from the legiſlative body, there would be an end of liberty; by reaſon the two powers would be united, as the ſame perſons would actually ſometimes have, and would moreover be always able to have, a ſhare in both. And as confirmed by the letter of the law, in as much as, by the ſtatute of the 16th of Charles I. ch. 1, a power being lodged in the Chancellor (in caſe of the King's de-

fault)

fault) to call Parliaments; and if he failed, then in the Peers, or any twelve of them, and if they failed, then in the Sheriffs; it was ſaid by the Judges of thoſe days, that this was a direct breach of the original conſtitution; for it introduced into the monarchy a kind of republic, by ſetting up a ſupreme power, beſides the regal power, and inconſiſtent with it. Of the ſtatute too of the 15th of Charles I. chap. 5, whereby it was enacted, that that Parliament then ſitting ſhould not be diſſolved, prorogued, or adjourned but by Act of Parliament, it was ſaid, that this was another breach of that conſtitution, which had originally eſtabliſhed the King's prerogative in that particular; and therefore theſe two acts were, early in the next reign, repealed.

The ſecond query is,

Whether the immediate creative act of any charter of incorporation is not veſted in the King by virtue of his royal prerogative? And if yes: Whether by the forfei-

ture

ture or diſſolution of ſuch charter, its franchiſes are not revertible to the Crown, in order to be re-granted by the King if neceſſary? And if ſo, Whether the commiſſion of Directors appointed by this bill be not an encroachment upon the royal prerogative of the Crown?

Sir William Blackſtone ſpeaking of the erecting of corporations by the King, as the fountain of privilege, ſays, "I now only mention them incidently, in order to remark the King's prerogative in making them; which is grounded upon this foundation, that the King having the ſole adminiſtration of the government in his hands, is the beſt and the only judge, in what capacities, with what privileges, and under what diſtinctions his people are the beſt qualified to ſerve, and to act under him."

The third query is,

Whether, conſiſtent with the judicial capacity of this Houſe, the disfranchiſing of

a corporation of ſuch magnitude as that of the Eaſt-India Company, the reaſons of ſuch disfranchiſement ought not to be proved and ſupported at the bar of the Houſe by the ſtrongeſt and moſt entire evidence? Or, whether conſiſtently with the duty of this Houſe to the King, as the hereditary Counſellors of the Crown, a bill creative of a new executive power, in violation of the royal prerogative, ought not to be rejected *in limine* upon its principle, and without entering into the merits of it.

My Lords, when Charles II. and James II. ſeized upon the charters, which they did for the purpoſes of the ſtate, as they ſaid, although, ſays Sir William Blackſtone, the proceedings in moſt of them were ſufficiently regular, it gave great and juſt offence: But it ſeems Charles James Fox can now of himſelf attempt what thoſe tyrants, neither Charles nor James Stuart put together dared to do, ſeize upon charters by force and violence.

The

The fourth query is,

Whether if this bill ſhould paſs both Houſes of Parliament, encroaching as it does upon the undoubted prerogative of the Crown, it be not a right inherent in the King, as well as a duty which he owes to the country in preſervation of the conſtitution, to put his negative upon ſuch bill?

Baron Montſequieu ſays, " the executive power ought to have a ſhare in the legiſlature by the power of rejecting, otherwiſe it would be ſoon ſtripped of its prerogative. But ſhould the legiſlative power uſurp a ſhare of the excutive, the latter would be equally undone." Again, " if the Prince," ſays he, " were to have a ſhare in the legiſlature by the power of reſolving, liberty would be loſt. But as it is neceſſary he ſhould have a ſhare in the legiſlature for the ſupport of his own prerogative, this ſhare muſt conſiſt in the power of rejecting." Sir William Blackſtone, too, ſays, " the King is a conſtituent part of the ſupreme

 legiſlative

legiſlative power; and, as ſuch, has the prerogative of rejecting ſuch proviſions in Parliament, as he judges improper to be paſſed." He ſays, too, ſpeaking of the encroachment of the legiſlative upon the executive power: "Thus the long Parliament of Charles I. while it acted in a conſtitutional manner with the royal concurrence, redreſſed many heavy grievances, and eſtabliſhed many ſalutary laws: But when the two Houſes aſſumed the power of legiſlation, in excluſion of the royal authority, they ſoon after aſſumed likewiſe the reins of adminiſtration; and in conſequence of theſe united powers, overturned both church and ſtate, and eſtabliſhed a worſe oppreſſion than any they pretended to remedy.

And now, my Lords, theſe being the queries which it is my intention to ſubmit to the opinion of the judges, together with my reaſons for theſe queries, I ſhall now beg leave to add one reaſon more for the motion itſelf, of calling for the advice of the judges upon this occaſion; and it is this,

this, that, as if the opinion of the judges had been taken upon the queſtion of the American war, before it was entered into, that is, whether the Parliament of England had a right to levy taxes internally on America, America not being repreſented in the Parliament of England, that country might at this time have been a part of the Britiſh empire; ſo upon the ſame ground am I perſuaded that the putting of theſe queſtions to the judges now, may be the means of ſaving the Eaſt Indies to this country: For, my Lords, is it to be ſuppoſed, that the ſervants of the Eaſt-India Company in India, connected as they are in the intereſt with the Company here, together with Mr. Haſtings, at the head of an hundred thouſand men there, will quietly deliver up thoſe poſſeſſions, when by that delivery, they know that they are themſelves to be diſplaced, to make room for others; and if not diſplaced, that they will have members of Parliament, and members of Parliament's ſons and kindred riding upon them four and five deep, and quartered

upon

upon their emoluments, as much without number as without reaſon.

And now, my Lords, I have done; aſking pardon of the Houſe for this long treſpaſs on their patience, and, whilſt ſitting down, not doubting but that your Lordſhips will think that a monopoly of power, ſuch as this bill requires, is not only unfit, under any circumſtances whatever, to be had, but that if it were fit, to place it in the hands of him who ſeeks it, would be as unſafe for, as dangerous to the conſtitution of the country, I ſhall hope that the motion which I ſhall now have the honour to ſubmit to the Houſe, will meet with the concurrence of your Lordſhips.

In that part of the ſpeech where the words Charles James Fox were introduced,

Lord Derby roſe, and called the noble Lord to order. He ſaid it was unuſual to introduce the name of a member of the Houſe of Commons into a debate.

When

When the Order of the Day was called for,

The Duke of Richmond called the attention of their Lordſhips to a petition, which he preſented from the city of London. It was conceived, his Grace obſerved, under the greateſt apprehenſions for their franchiſes, and expreſſed in very ſtrong language. He therefore thought it ſhould be read. It was read accordingly.

The purport of the petition was, That a bill pending before their Lordſhips, threatened an extinction of their privileges, held up an awful precedent of violated charters, and, by aiming at the confiſcation of public, menanced every ſpecies of private property. It therefore prayed, that ſuch a bill might not paſs into a law; that their Lordſhips would interfere and ſave them from the graſp of power, which, in this inſtance, appeared to them ſo ſingularly dangerous and alarming.

The Duke of Manchester felt dissatisfied with some of the expressions in this petition. They sounded harsh to his ear; they were, in his mind, violent, and not sufficiently guarded and decent for the occasion. He migh, however, have mistaken the literal phraseology. It seemed to him a very strong accusation of the other House, and he was not sure how far it became one branch of the Legislature to suffer an arraignment of another at their Bar. He wished, for these reasons, to read the petition to their Lordships, and was sorry on having done so, to find his exceptions so well founded.

The Duke of Richmond was much surprised to hear such a language from his Grace; for the very words used by the city of London on this occasion, were to be found in a protest on their Lordships Journals, signed by the names of Rockingham and Portland; and he little expected to hear their mode of expression censured from such a quarter. The petitions from America had

had been rejected on similar grounds. Besides, was it not the constitution of this country, that subjects had a right to petition against whatever they considered as a grievance? No matter, said his Grace, who your petitioners are, whether corporate or not, or against whom they complain, whether against the Minister or the House of Commons; the laws of the land give them a right to state their grievances to your Lordships; and your Lordships will not accommodate your decisions according to the fundamental principles of the constitution, if you do not give them a hearing.

The Duke of Manchester said the noble Duke certainly knew him too well to need any explanation of his principles, or to doubt of his conviction concerning the people's right to petition Parliament. Nor had he intimated any other objection than what was suggested, not by the matter but by the manner of it. The noble Duke had also mistated the argument on which

the American petition was thrown out. For the Miniſtry of that day inſiſted againſt admitting the petition, only becauſe no Lord would pledge himſelf to the Houſe, that it allowed the right of taxation to the Britiſh Parliament. His Grace, however, did not chuſe to inſiſt on the validity of his objection, and the petition was ordered to lie on the table.

The Order of the Day was then called for, and Mr. Rous and Mr. Dallas appeared as Counſel for the Eaſt-India Company; Mr. Hardinge and Mr. Plomer as Counſel for the Directors.

Mr. Rous opened the cauſe of his clients in a very maſterly manner. He ſtated, in very warm and expreſſive language, the enormity and the injuſtice of the preſent bill. He obſerved that as there was no ſpecific charge brought againſt his conſtituents, he would be under the neceſſity of proving their merits with the public by evidence at the Bar of the Houſe, and to

prove

prove the actual ſituation of India, by the laſt advices. Under the firſt head, Mr. Rous ſtated, that the additional cuſtoms paid by the Eaſt-India Company, for fifteen years, were the acquitments of the Dewannee, and exceeded the ſum of the fifteen years antecedent to that period, in the ſum of five millions ſterling. That the ſum paid by the Company to the public, as their participation of the territorial revenues, was three millions ſterling; ſo in fact the Company was, to this moment, a conſiderable loſer by the territorial acquiſitions, though the nation had been a gainer; for the ſums expended by the Company in acquiring thoſe revenues, exceeded their receipts in the ſum of five millions and upwards. But the acquiſition of the Dewannee had, in every point of view, been a moſt important object to the Britiſh nation. Mr. Rous then ſtated, that the exports from this country ſince the territorial acquiſitions, had amounted laſt June to about five hundred thouſand pounds. He next remarked upon the flouriſhing ſtate

of the Company's credit, and faid, that if Parliament would give them leave to borrow, their debt to the ftate would inftantly be paid off. The credit of the Company could only be deftroyed by the paffing of the prefent bill. Mr. Rous then faid he would bring evidence to prove, that in Bengal, Bahar, Benares, and Oude, we enjoyed profound peace, a firm government, an encreafing revenue, and had effected a reduction of expences. The Carnatic was evacuated. The account of the peace had arrived in India, and all hoftilities had ceafed between us and the French. That peace was concluded on fuch terms with the Marattas as muft make it lafting; and fuch was Tippoo Saib's fituation, that he had undoubtedly made peace with us, under the terms of the Sixteenth Article of the Treaty of Peace. Of this Mr. Rous faid he was fo confident, that he would forfeit his head if it was not the cafe. After dwelling very fully on thefe feveral heads, Mr. Rous proceeded to call in witneffes.

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The evidence continued for ſeveral hours. The charters, acts of Parliament, grants, and other authentic documents of the Company's tenure and ſtate, were read. The evidence was claſſed under ſeparate heads, and evidence, written and oral, brought to each point. When the Counſel came to propoſe, to prove that peace was reſtored to the Carnatic,

Lord Loughborough roſe and ſaid, he was perfectly ſatisfied that their Lordſhips would agree with him, that much of the evidence which had been exhibited, was at leaſt irrelative and unapplicable to the nature and tendency of the bill now under the conſideration of the Houſe. The whole hiſtory of the Company's eſtabliſhment had come to their Lordſhips' knowledge under the ſhape of evidence. But how would ſuch a complicated narrative make againſt the plan for re-eſtabliſhing the intereſts of the Company on a new and permanent foundation? What was proved by that ſtatement which their Lordſhips did not already

ready know, or about which one noble Lord in the Houfe entertained a fingle doubt? Was any friend of this meafure inclined to call in queftion the Company's right to their territorial poffeffions in India? To what purpofe then detain their Lordfhips with a detail of their chartered rights, and the variety of grants obtained by them from feveral Indian powers? Surely there was but little information in all this; and whatever it was, the Houfe feemed but little difpofed to be benefited by it. Still the fpecies of evidence on which Counfel were now entering, feemed leaft of all adapted to the bufinefs before the Houfe. For what had the queftion in iffue to do with the news of a peace eftablifhment in the Carnatic? It was, in his opinion, perfectly unnatural to the bill, whether there were peace or war. It did not depend on the prefent, but the paft. It was not fo much what the Company is, as what the Company has done, that furnifhed a plea for fuch a bill, which therefore, if properly founded, could not be affected by any

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ſituation of their affairs, however promiſing or proſperous. He had long waited for the diſcretion of Counſel; but it did not appear, that they ſeemed inclined to come to any preciſe concluſion on their evidence.

From theſe conſiderations, he was ſatiſfied the very odd arrangement of evidence which the Counſel for the Company had thus ſubmitted to their Lordſhips attention, could ſerve no other purpoſe on earth than to protract the buſineſs now under diſcuſſion. And his Lordſhip begged leave to remind their Lordſhips, that the time of the bill was very precious, whether it ſucceeded or not. From the diſpatches that might naturally be expected to have been ſent, the minds of the people in the Indies would be full of ſuſpenſe. Nothing would be done till the plan under contemplation of Parliament was either authenticated or rejected. An end, we might well ſuppoſe, would for the preſent be put to every kind of buſineſs — but he underſtood from rumour, nay, he had been informed ſo ſince he came into the

Houſe,

Houſe, that Counſel had directions to protract this bill as much as poſſible. Upon this principle it was, then, that he objected to their being allowed to take up any more of their Lordſhips' time; for what they proved, had nothing at all to do with the bill: as far as he could judge, what they were about to prove, was of as little conſequence; they had already been indulged to a great length, and he had waited, expecting their own underſtanding would make them draw to a concluſion; inſtead of which, he perceived, the more they were indulged, the greater lengths they were determined to proceed. Thoſe who meant to oppoſe the bill, he found, were reſolved to protract it as long as poſſible: but he called upon their Lordſhips to remember the neceſſity of paſſing it immediately, if it was paſſed at all; for every gentleman knew, that to procure a quick paſſage to India, they muſt ſail by the beginning of February at the fartheſt; we were now far advanced in December, and ſhould it be much longer delayed, it would be impoſſible for gentlemen,

men who might be appointed to go out, in confequence of another bill which was to be brought up to their Lordfhips, to get themfelves ready in time. It appeared, as agreed on all hands, that fome regulations ought to be adopted, and this appeared to him, as it had been framed with the greateft care and attention, as fully adequate to the tafk. Time preffed for its determination; and therefore he trufted, that thefe poor attempts to procraftinate the bufinefs, would be treated by their Lordfhips as they merited: in confidence of which, he doubted not they would reftrain Counfel from entering into a large field of examination and inveftigation, that could not poffibly tend to any other end than to delay and protract the reading of the bill. He therefore conjured their Lordfhips to reftrict the evidence before them to the point to be agitated; and for this purpofe he would move, that the Counfel at the bar be reftrained from adducing the evidence of a peace being concluded in the Carnatic.

Lord Thurlow differed entirely with the learned Lord, refpecting the evidence that had already been produced. He conceived the Counfel had acted with the greateft propriety; their clients had employed them, to do what? — only to refcue them from a general imputation laid againft them in the bill, for it brought no fpecific charge. How was it poffible for them to defend themfelves, otherwife than by producing, in the firft inftance, authentic documents to their right, and afterwards, by a fair ftatement of their tranfactions and circumftances, to prove they had not abufed that right. He agreed with the learned Lord, that fome part of the evidence which had been produced at the bar might as well have been omitted; but he was far from faying, that held good with regard to the difpatches that were to prove that peace was eftablifhed in India; and for this plain reafon — the preamble of the bill ftated, that by the mifmanagement of the Company, they had brought themfelves almoft to a bankrupt ftate, and that it re-

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quired the immediate interpofition of Government to fave them from ruin. Now if they could adduce evidence to prove they had not mifmanaged, but that their finances here were not defpicable, and their fituation abroad in a flourifhing ftate, furely the preamble of the bill could not be founded in fact, and that plea of neceffity, which had been fo ftrenuoufly dwelt upon, did not exift, for then there could be no neceffity for this meafure. Ay, but then, fays the learned Lord, if the bill does not pafs immediately, which is folely for the regulation of the Company's affairs at home, it will totally prevent gentlemen from failing in proper time to take upon them their appointments in India. What advantage was intended by that argument, he was entirely at a lofs to comprehend: but even admitting the Company were actually the culprits they were faid to be, would their Lordfhips have it recorded in their Journals, that they had refufed to give them an opportunity to eftablifh their innocence? Should it be faid, that the conftitution of

this country allowed an individual, where his property was concerned, to appear by counſel at the bar of that Houſe, and give his reaſons why they ſhould not proceed, and yet, when an act was brought in to deprive a corporate body of their charter, and to inveſt their property in the hands of ſtrangers, their Counſel ſhould be checked, and reſtrained from producing that evidence which, in all likelihood, would prove their affairs were in ſo excellent a train, that it would not be in the power of miſmanagement, in the power of whoever this bill might appoint, to put them in diſorder. If the learned Lord had thought the Counſel were guilty of miſ-ſpending their Lordſhips' time, why did he not ſtate his ſuſpicions ſooner? Why did he leave it till peace was mentioned, and proofs were offered of its being ratified, with the authorities, and that hoſtilities were ceaſed in the Carnatic? Theſe were circumſtances that would not, moſt certainly, act very forcibly in criminating the Company for miſmanagement, or for having brought them-

ſelves on the verge of ruin; perhaps it was upon this principle they had been objected to. When parties were admitted to the bar of that Houſe, their caſe would be peculiarly hard, if any noble Lord could get up and reſtrain the Counſel from what might very likely be the moſt material part of his evidence. Could ſuch a meaſure be called juſtice? If not, ſhould it be ſaid, that the firſt court of judicature in this kingdom gave ſanction to it? He truſted not. The people's rights ought to be held ſacred; and it would be highly ſubverſive of thoſe rights, in his opinion, to puniſh where no delinquency was proved, to cenſure where every approbation was due. The buſineſs before your Lordſhips is of ſuch a complicated and critical deſcription, that every ſpecies of information will be found indiſpenſable to a fair and candid apprehenſion of it. And inſtead of blaming Counſel for giving you too much, your Lordſhips ought to thank them for the pains they have taken to contract it into a proper form, and preſent it at your

Lordſhips' bar under a clear and connected point of view. They might, inſtead of a few papers, not tedious or complicated, they might have inſiſted on reading five hundred volumes: this, however, they have relinquiſhed for ſuch an abſtract of the whole, as may not interfere either with the patience or the ordinary mode of the Houſe. The learned Lord had dwelt much upon the idea, that it was a wiſh with ſome perſons to protract the bill. Rumours may be propagated of ſuch a nature and tendency, as to fruſtrate all the purpoſes of the bill. Who would have expected an obſervation of this ſort from the noble and learned Lord? Miniſtry ought to be the laſt, at leaſt, to hazard ſuch ſurmiſes. Who knows not how induſtriouſly their creatures are occupied in this kind of work? For his part, he thought it of too much conſequence to be paſſed haſtily through that Houſe. He could wiſh their Lordſhips to conſider it as he did, as a bill of the utmoſt conſequence and greateſt importance; then would they

examine minutely into every argument that could be adduced, and determine on facts, not on general implication. The papers, it was likewise said, were generally known; they were in every body's hands. This, to be sure, in a great measure, he could not deny; for he supposed their Lordships were as well acquainted how they came in every body's hands as he was: a gentleman had sent them to him, and he doubted not that very few of their Lordships had been omitted. It was, however, very singular to him, that the learned Lord, who certainly was an ornament to his profession, should object to papers as evidence, because they were printed; this was a new doctrine to him: but, however, the papers that were now offered, and were objected to, were not printed, they were not in every body's hands, for they had not long been received, therefore they certainly might be admitted without giving offence to the noble Lord on that head, and prove of some information to the House, as they would, perhaps; there did not

not exiſt that preſſing neceſſity for paſſing this bill, as had been held forth in another place: it is therefore hoped your Lordſhips will beware how you proceed. Violate not the rules of the Houſe, in complaiſance to a meaſure which originates in an open violation of whatever is moſt dear and ſacred to Engliſhmen. Reſpect your own dignity, and the privilege of Parliament. Forms are the hedges of the conſtitution. The moment thoſe are broken down, that is loſt.

The Earl of Mansfield left the woolſack, and agreed with the noble Lord, whoſe objections to the courſe of evidence at the bar were now under diſcuſſion, that a very conſiderable part of that evidence had no immediate or obvious connection with the bill before the Houſe. The preſent meaſure was a ſtrong and ſevere one; and the ſtronger and more ſevere it was, the more were the Company entitled to ſtruggle againſt it. To curtail or derange their evidence would, for that reaſon, have an ap-

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pearance of harſhneſs, which the prudence and delicacy of their Lordſhips would naturally diſpoſe them to avoid. He did not ſee any diſadvantage to the bill, if right, that could reſult from whatever facts might be ſuggeſted; and if it was ultimately found to be wrong, their Lordſhips' time could not have been better employed. But that which had been propoſed, and which related to reſtoration of peace in the Carnatic, he conceived to be altogether in point; for the queſtion on which the Houſe was called to decide, would, in his Lordſhip's apprehenſion, be materially affected by that fact. He owned, however, that the bill deſerved immediate inveſtigation, and that too much diſpatch could hardly be given to it, for the reaſons the learned Lord had aſſigned: but his Lordſhip imagined, that much unneceſſary delay would be occaſioned by the preſent motion; he could therefore have wiſhed his Lordſhip had not, on that account oppoſed it, and that the Counſel had been allowed to give them in his own way. What referred to the Carnatic, he preſumed

would not be long, as he apprehended it was only a letter from Lord Macartney ascertaining the perfect evacuation of that country.

Lord Loughborough had yet heard nothing to satisfy him that his objection was not founded; and to him, time appeared just now of infinite importance. This was only part of a plan for regulating the affairs of India. Should their Lordships approve the principle of it, and sanctify it by their adoption, a great many other bills would necessarily follow. And it was proper to put their Lordships in mind, that a few weeks delay would prevent the effect of the measure one whole year. The ships for India must be ready to sail some time in February; and many things besides the mere passing of the bills were necessary. With a view to that event, whatever the noble and learned Lord near him (Lord Thurlow) might think of rumours, he mentioned it as a fact, that a rumour was circulated, and had reached his ear since he

came

came to that Houfe, that the Counfel had been actually inftructed and enjoined by their clients to protract the time by every poffible manœuvre in their power. He therefore had deemed it his duty to apprize their Lordfhips of a circumftance which it became them to treat as it deferved. This objection, however, was founded on the nature of the bill, as independent alike of whatever might be the prefent ftate of India. This, though not affected by any thing yet advanced, he was willing, as far as his fingle voice went, to forego, and to give the Counfel whatever indulgence the Houfe might think proper to grant them.

The Duke of Richmond was not difpofed to confider that as an indulgence to which the fubject had an undeniable right. And he wifhed noble Lords, in throwing out general things, would never fuffer any language or phrafeology to efcape them, not ftrictly conftitutional. In his opinion, the juftice of the Houfe, as well as the franchifes of the fubjects, was intimately con-

nected with the queſtion before their Lordſhips. And theſe, in his mind, were objects much more valuable than all India. What colour would this be to violate privileges, as fundamental and ſacred as any which the laws provided? A Company are not only deprived of their property, but groſſly calumniated. They came before this Houſe abundantly prepared to have vindicated their rights, and in the very midſt of their evidence are ſtopped, their Counſel deranged, and their defence conſequently defeated. He therefore appealed to the juſtice and the dignity of the Houſe in behalf of the Company and their rights.

Lord Thurlow was rather hurt by the boon which the noble and learned Lord held out to the Company by way of compromiſe. Neither did he rightly comprehend the expedition ſo ſtrenuouſly urged on the occaſion. The whole affair ſtruck his Lordſhip rather ludicrouſly, as if it were the intention of Government to ſend out their new plan of Aſiatic regulation by halves,

halves, in order that one part might ſerve only as a prologue to the other. It was indeed but too obvious, that a breach was meditated in the body of evidence, in order to throw the whole into confuſion.

His Lordſhip took notice of a practice in the committee for trying the validity of elections, by which counſel were often intimidated and diſconcerted in ſuch a manner, as to render their beſt digeſted ſyſtem of agitation abortive.

Lord Loughborough was certain, whatever the intention of the learned Lord near him might have been by theſe oblique obſervations, the good ſenſe of the Counſel was a refutation of them. Though he wiſhed them to act the part aſſigned them by the noble Lord, they were incapable of ſtooping to it. His Lordſhip had already waved the objection, though nothing had been urged to ſatisfy him of its invalidity; and he could not now treſpaſs longer on their Lordſhips' time in anſwering any thing farther that might be ſuggeſted.

Lord

Lord Grantley (notwithſtanding the learned Lord's ſarcaſm about the inattention of their Lordſhips) had not been abſent during all the evidence which had been offered at the bar. He aſſerted his abſolute independence of all parties, and was happy that his mind met the preſent buſineſs altogether unwarped by prejudice or connection of any kind. He did not, however, ſubſcribe implicitly to the doctrine held out by the noble and learned Lord who had objected to the evidence at the bar. The relevancy of the evidence to the bill in queſtion he thought very plain. The Company were charged with improper management. How could they otherwiſe proceed in their own vindication than by ſuch a ſyſtem of proof as their Counſel now offered to their conſideration? The learned Lord tells the Houſe that the paper reſpecting the recommencement of peace in the Carnatic is printed. What! Does the noble and learned Lord infer from that, our obligation to take all the lyes and falſehoods in circulation as facts becauſe they may be printed? He

muſt

muſt know better. This Houſe is not competent to receive any other than legal evidence.

The Earl of Effingham did not diſlike a protraction of the buſineſs, though he hoped the ſuſpicions of the learned Lord to that effect were nugatory and unfounded. He would not therefore conſume their Lordſhips time by practiſing the very thing he condemned. He had ſimply riſen to expreſs his approbation of the mode in which the Counſel at the bar had conducted the evidence, and to aſſure their Lordſhips that he watched for an opportunity when he might, conſiſtently with the order of the Houſe, move to poſtpone the whole matter till their Lordſhips had more thoroughly digeſted and matured it in their own minds.

The Counſel then went on with their evidence; but at half an hour after eleven o'clock the Counſel declared, that ſeveral of the witneſſes they wiſhed to have examined had gone off on account of the heat of the Houſe, not being held by proceſs; that ſome

ſome of the books they wiſhed to have ſubmitted to the inſpection of their Lordſhips, as eſſential to the cauſe, had been neglected to be brought up, and they therefore expreſſed a wiſh, that the farther proſecution of the buſineſs might be poſtponed to another day.

The Duke of Chandos, on this ſymptom of procraſtination in the Counſel, roſe, and moved an adjournment, urging, in favour of his motion, the extreme importance of the matter under conſideration, and the lateneſs of the hour.

The Earl of Carliſle reprobated the idea of adjourning the farther hearing of the cauſe, for the frivolous reaſons mentioned by the Counſel. Had not their Lordſhips met for the purpoſe of hearing the cauſe? Had they not beſtowed on it every attention which it ſeemed to merit? Was it therefore becoming their dignity to deſiſt procedure in the buſineſs at ſo important a period? Would this not be trifling with the

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deference and refpect they owed themfelves? He was therefore againft the motion of adjournment.

Earl Fitzwilliam declared his difapprobation of the motion. He could not think there was the leaft pretence for the gentlemen at the Bar, to expect their application for farther time to prepare themfelves, fhould meet with indulgence, fince the petition, in fupport of which they had been heard fo many hours, had been prefented fix days ago, and fince the very fame gentlemen had appeared at the Bar of the Houfe of Commons, as advocates for a fimilar petition prefented to that Houfe againft the fame bill, his Lordfhip defired the Houfe particularly to take notice of what had fallen from the learned Counfel in his opening, when he had told them that he had not received thofe inftructions, in confequence of which he had proceeded to examine the witneffes produced that day, till eleven o'clock the preceding night, or eleven o'clock that very day. That declaration,

the Earl ſaid, confirmed him in thoſe ſuſpicions hinted at earlier in the day, that there was an intention to procraſtinate and delay the bill as much as poſſible, in order, by that means, to prevent its being paſſed. He appealed to the Houſe in general, whether ſo odd a circumſtance as the neglecting to give Counſel inſtructions in due time, againſt a bill that had been for ſome weeks before Parliament, did not carry with it a very ſuſpicious appearance? He hoped, therefore, the Houſe would render fruitleſs any ſuch attempt, and that they would concur with him in directing the Counſel to proceed.

Earl Ferrers then roſe, and ſaid, my Lords, I am ſorry to be obliged to trouble your Lordſhips at this late hour, but the great regard I have for my King and the conſtitution of this kingdom, forces me to ſtand forth in its defence, and as a truly independent Lord of Parliament, being thoroughly ſatisfied that if this bill paſſes this Houſe, nobody can be ſafe under the exer-

exertions of the legiflative power, and particularly as there is one precedent to quote on this occafion, which is but a fmall one in comparifon with this, though it was a Lord of this Houfe (whofe eftate was above 5000l. a year) was taken from him and vefted in the hands of four truftees, with a power of leafing and cutting down the wood, with a receiver on his whole eftate, to pay an annuity of 300l. a year. I beg leave to fay farther, that I am totally againft hurrying bills through the Houfe, which can very rarely be done with any good defign; and we have an inftance in the laft year of what the public fuffered by hurrying the Receipt Tax through this Houfe, which I endeavoured to prevent, and would have informed the Miniftry what would be the confequence, if they would have permitted me, which would have prevented the people in all the manufacturing towns, long tormented with fuch a vexatious tax, befide the difcredit it has been to the Minifter, which I would have faved him from. I am, therefore, for giving a bill of this magnitude and

confequence, its full weight and confideration; and for that reafon fhall join moft heartily in the motion for an adjournment.

Lord Sidney alfo faid, the bill was of too much importance to be hurried; and declared before their Lordfhips paffed fuch a bill, they were bound to hear the petitioners in the ampleft manner.

The Duke of Chandos rofe again, and declared he addreffed himfelf to the feelings of the Houfe, begging their Lordfhips would confider, whether, after the learned gentlemen had been on their legs at the Bar, for feven hours, incommoded by the croud around them, and fatigued with the heat they all felt, and after they had requefted till the next morning only to prepare themfelves, it was confiftent with their own character, and their own dignity, to infift on their proceeding, efpecially at fo late an hour of the night?

The Duke of Portland faid, he fhould willingly have agreed to the motion propofed

pofed by the noble Duke, and have acceeded to the requifition of the Counfel, had there appeared to him to have been the fmalleft reafon to juftify the latter. But as the bill had been in Parliament for fome weeks, as it propofed a meafure that had been much canvaffed and talked of, and as that meafure was of very confiderable importance, and from its nature, and the nature of the fubject to which it applied, fuch as ought, if adopted by the wifdom of their Lordfhips, to be adopted with as little delay as the forms of Parliament would admit, he could by no means give his confent to the motion. Being upon his legs, the Duke faid, he would mention a matter, to which he begged their Lordfhips' moft ferious attention, fince it materially concerned the conftitution of the country: a rumour had prevailed for the laft three days, that had given him very great alarm indeed; fo much alarm, that he had determined to ftate it to their Lordfhips on the very firft day that they met after it began to be circulated; and he fhould, he faid, have done it much

much earlier in the day, but that he was loath to break through the regularity of their proceedings, or draw off the attention of the House from hearing Counſel againſt a bill, which certainly was of great importance. Since that bill had been brought into Parliament, the public had been inflamed againſt it in the moſt induſtrious, and, in ſome degree, moſt ſucceſsful manner. No arts, however unfair, however unwarrantable, had been left untried to run it down, and excite a general alarm, in conſequence of a groſs miſrepreſentation of its views and its object. Among other arts, rumours of different kinds had been circulated with the moſt ſedulous induſtry, and a late rumour was of a very extraordinary nature indeed. In that rumour, the name of the moſt ſacred character in the kingdom had been aſperſed, and the name of one of their Lordſhips, he hoped, abuſed; but certainly, ſuch was the complection of the rumour, that he ſhould be wanting in regard to his own character, wanting in that love and zeal for the conſtitution, which, he truſted,

had

had ever marked and diftinguifhed his political life, wanting in the duty he owed to the public as a Minifter, if he did not take an opportunity, if it turned out to be true, of propofing a meafure upon it to their Lordfhips, that would prove they felt the fame jealoufy, the fame deteftation, and the fame defire to mark and ftigmatize every attempt to violate the conftitution, as he did.

The Duke of Richmond rofe, and declared, that from the hint the noble Duke had thrown out, it was impoffible to fay to what he alluded. In a matter of fo much ferioufnefs, he ought to fpeak out, and to make a fpecific charge, that thofe it might affect, fhould be able to meet it fairly, and bring it to a plain and direct iffue. The noble Duke might allude to one thing, or he might allude to fomething elfe extremely different, which was at that time in his recollection. A newfpaper, which he had in his pocket, his Grace faid, contained as indecent and as fcandalous a paragraph, as ever he had met with; perhaps the noble Duke

Duke alluded to the fact there stated. He would read it to the House. His grace then read the following article from an evening paper of Saturday:

"A most injurious and absurd rumour "prevailed yesterday, and was circulated "with great industry through the various "parts of the metropolis, that his Maje- "sty had given a direct intimation to his "Ministers that he was hostile to the East- "India bill, and that they in consequence "had resigned their respective employ- "ments. — We have the best authority for "assuring our readers that no part of this "report is true. To give a greater air of "credibility to the falsehood, it was repre- "sented that this event had taken place in "consequence of a conference that Earl "Temple had held with his Majesty on "Thursday last, the result of which was "said to have been a positive assurance on "the part of the King, that the bill in "question was in the highest degree disa- "greeable to him. This concomitant part

"of

" of the ſtory, however, is an evident and " indiſputable libel upon the characters of " both theſe great perſonages concerned in " it; for we can aſſure our readers, (alſo " from the beſt authority) that his Maje- " ſty has given his gracious concurrence " and approbation of the conduct of his " Miniſters, with reſpect to the India bill, " a thouſand times in the cloſet, nay, in- " deed, as often as it has been mentioned " there. Now to ſuppoſe or impute to any " man, much leſs to this ſacred character, " ſo deſpicable a degree of confirmed dupli- " city as that of his having approved and " patroniſed a meaſure in all the ſtages of " its progreſs, from its firſt adoption till its " third reading in the Houſe of Commons, " and yet that he was in fact averſe to it, is " too groſs for belief, and is in this inſtance " an act of the higheſt diſloyalty. That " Lord Temple ſhould have circulated ſuch " a report, knowing it, as he muſt, to have " been founded in direct falſehood, is not " extremely probable; and therefore the " whole muſt, doubtleſs, have been the im-

" pudent fabrication of ſome hired runner, " to produce a temporary alarm in the me- " tropolis, and to try to effect by tumult, " what they could not carry by argu- " ment."

The above, his Grace ſaid, was as extraordinary a ſeries of aſſertions, declared to come from the beſt authority, as ever occurred in a newſpaper.

Earl Temple roſe as ſoon as the Duke ſat down, and ſaid, conſcious as he was that every word he muſt utter would be entirely unparliamentary; yet, after what had been ſuggeſted by the noble Duke who ſpoke firſt, and after his name had been introduced by the noble Duke who ſpoke laſt, though he muſt think not in the moſt parliamentary way, he ſhould perſiſt in deſiring to be heard. The noble Duke at the head of the Treaſury talked of rumours; let the noble Duke make a ſpecific charge. Whenever he did ſo, he would not ſhrink from it, but would meet it directly. That his

his Majeſty had recently honoured him with a conference, was a matter of notoriety. It was not what he wiſhed to deny, nor what he had it in his power to conceal. He ſaid, that it was the privilege of Peers, as the hereditary counſellors of the Crown, either individually or collectively, to adviſe the Crown, was well known. He had given his advice to the Crown; what that advice had been, he would not then ſay. It was lodged in the breaſt of his Majeſty; nor would he declare the purport of it without the royal conſent, or till he ſaw a proper occaſion. He was aware this ſort of language was diſorderly; he begged the Houſe however to recollect that he had not made it neceſſary; if Lord Temple's name had been introduced, it had not been the fault of Lord Temple. When the noble Duke mentioned rumours, and did not ſpecify to what he alluded, he had been ſilent; and he ſhould have continued in ſilence, and have treated every thing of that ſort with the ſame contempt that he held newſpaper paragraphs in, had not the noble Duke,

who ſpoke laſt, made it impoſſible for him not to riſe, and defy the noble Duke at the head of the Treaſury to make any charge that he would ſhrink from. He begged to know therefore what the noble Duke had alluded to?

The Duke of Richmond roſe again, and ſaid, perhaps he had been diſorderly in reading the paragraph from the newſpaper; but the noble Duke who talked of rumours had done it in a manner ſo general and indefinite, that he had thought it highly neceſſary to have the matter explained and underſtood. If the noble Duke meant to take up all unconſtitutional interference with the Crown, he would join him, and go as far with him upon that theme as he would go himſelf; but then the noble Duke muſt go back to his old ground, and leave his preſent connections. He muſt once more act as a Whig, and proceed upon Whig principles. He hoped, however, when the noble Duke did take up that matter, he would take it up fairly, and not partially.

partially. That he would look at home, and draw forth all unconſtitutional interference with the Crown, that of Miniſters, as well as that of other Lords. He knew, the Duke ſaid, that it was the duty of the ſervants of the Crown to be about the King's perſon, and to conſult and adviſe with his Majeſty upon the receipt of foreign advices, upon the management of his finances, upon the conduct of the Army or Navy, upon military and civil promotions, and a variety of other executive ſubjects, in which his Majeſty was neceſſarily to be conſulted; but he would contend it was as unconſtitutional for a Miniſter to adviſe the Crown, and endeavour to influence his Majeſty in regard to any bill depending in Parliament, as it was for any other perſon. The preſent Adminiſtration, he aſſerted, had, from their firſt coming in, proceeded to act in defiance of Whig principles, and upon the old ſyſtem, purſued by thoſe whom they formerly oppoſed. They had manifeſtly taken unconſtitutional ground, and governed by a corrupt influence. When they

they firſt came in, they had aſked, the Duke ſaid, if he would join them. Though he liked many in Adminiſtration, he declared he could not aſſiſt ſuch an Adminiſtration; he foreſaw what would follow, and his expectation had not been diſappointed. The bill then before the Houſe was a proof of the ſort of ſyſtem which Miniſters had laid down. As he could not join them, he had quitted his ſituation, and left the Ordnance. What was the conſequence?—Three gentlemen, with no political views, nor in any way connected with influence, whom he had brought into office, were turned out, and three members of Parliament introduced. Another inſtance he would adduce; and that was, the giving Sir William Gordon, a gentleman who had ſerved as an Ambaſſador abroad, a penſion of 1000l. a year. What could this be for, but to give up his ſeat in Parliament, that they might bring in a new member for Portſmouth? A very able member indeed, Mr. Erſkine. The Duke expatiated upon theſe two facts, and urged them

them as proofs that the prefent Administration went entirely upon a fyftem of corrupt influence.

The Earl of Derby begged the noble Duke to look at home himfelf, before he ventured to impute blame to others. When the noble Duke was at the head of the Ordnance, he brought his friends into office, as other men in high ftations generally did; and it was notorious that two, if not more of thofe friends, were in Parliament. His Lordfhip took notice of the rumours abroad for the laft three days, and reprobated fuch unconftitutional means of endeavouring to fubvert a bill, which could not be overthrown by fair argument.

The Duke of Richmond rofe again, and in order to juftify himfelf, went into a detail of his conduct when in office. He faid, he had brought into the Ordnance Mr. Crawfurd, Mr. Aldridge, and Mr. Smyth, neither of them in Parliament, in the room of Sir Charles Cocks, Mr. Strachey

chey, and Mr. Adam, all of whom were in Parliament; that Mr. Pelham, who had fucceeded Sir Charles Frederick as Surveyor General, was in Parliament, and Mr. Steele, who was his private Secretary. Much as he difliked influence, the Duke faid, and greatly as he had approved a place bill, it had always been a maxim with him, and which had often been declared by him, that one or two gentlemen belonging to each public office, ought to be in the Houfe of Commons. In his own cafe, he had but two of his official connections in that Houfe, viz. Mr. Pelham for the Board, and Mr. Steele for himfelf. He faid farther, that he had, on many occafions, ftood up for the liberties of the people; he had alfo, when occofion required, defended the privileges of that Houfe; and he fhould be equally ready to contend for the conftitutional prerogative of the Crown, whenever it was attempted to be invaded, as it was, he contended, moft violently by the bill then under confideration.

Earl

Earl Temple roſe again, and ſaid, as the noble Duke in his eye had not thought proper to make any reply to his queſtion, he begged their Lordſhips to hold it in mind, that the noble Duke had ſaid in his former ſpeech, that he did not charge him with having acted in the unconſtitutional manner, the rumours and the newſpaper paragraphs had dared to ſtate. It was neceſſary that it ſhould be ſo underſtood. What the advice was, that he had given his Majeſty, it was not then neceſſary for him to recite; but when his Majeſty ſhould give him permiſſion to divulge it, he ſhould venture to aſſure their Lordſhips, that it would be found to be the advice of an honeſt man. With regard to the matter before them, the conſideration, whether the Counſel, who had declared they begged to be indulged till morning, ſhould be ordered to proceed or not, their Lordſhips would determine as they thought proper. He was a young man, capable of continuing there as long as any one of them; but their Lordſhips ought to conſider, that

they had thoſe among them not quite ſo young, nor ſo fit to endure fatigue. The bill in every point of view was ſuch a bill as ought not to be hurried. From the evidence that had been laid before them that day, it was evident that it was a direct violation of the rights and franchiſes of the Eaſt-India Company, rights and franchiſes veſted in them by a great variety of charters and acts of Parliament. This was a conſideration that muſt come home to the boſom of every Engliſhman, and was ſufficiently important to juſtify the moſt ſerious deliberation; but there was another conſideration ſtill more important, and that was, the new and unconſtitutional power it would create. This his Lordſhip enlarged upon as a matter which called for the moſt ſcrupulous care on the part of the Houſe; he concluded, therefore, with hopeing they would adjourn, in order to give the Counſel an opportunity of proceeding with the reſt of their evidence in the morning.

The Duke of Portland rofe again, and faid, he had not in his former fpeech made any charge againft the noble Earl, nor did he then mean to make any fpecific charge. The rumours he had before alluded to, had given him very ferious alarm, becaufe they fpoke confidently of a mode of interference having been practifed, with a view to defeat the bill, unknown to the conftitution, and which had not been heard of in that country, at leaft not for a long time. But he begged leave to affure the noble Earl, that he did not take up the rumour from a newfpaper; he had not known it had got into the newfpapers, till the noble Duke produced that, which he had read the paragraph from a little before. The rumours had been notorious, and not confined to any particular fet of individuals, but had been in every body's mouth, all over the town, for the laft three or four days. The facts afferted in thofe rumours, if proved, were of a moft ferious nature, and fuch as would, in that cafe, make it neceffary for him to ground a propofition

to their Lordſhips upon, in which he had no manner of doubt but the whole Houſe would go along with him.

Lord Viſcount Townſhend ſaid, he had wiſhed to ſay a few words, if it were only for the purpoſe of calling their Lordſhips' attention back again to the ſubject, that had firſt given riſe to the debate, which had taken ſo extraordinary a turn. It was, whether the Counſel at the bar ſhould be indulged till the next morning to prepare themſelves farther, or ſhould be ordered to proceed in the beſt manner they could then? This queſtion had been ſtarted an hour ſince; ſo that out of compaſſion to the two learned genlemen, who deſired to proceed no farther, that Houſe had gone into a debate, and kept them ſtanding at the bar a full hour, as little regarded as a couple of hackney coach-horſes ſtanding at an ale-houſe door. The requeſt of the two learned gentlemen, his Lordſhip ſaid, if complied with, he hoped was not meant as a beginning of more procraſtination than

that

that of a ſingle day. He had not yet heard any thing againſt the bill that had induced him to think upon it in any other light, than that in which the noble Duke at the head of the Treaſury had placed it. But he was certain, if it paſſed at all, it was neceſſary to paſs with diſpatch. The ſeaſon required it. Every body knew that it could not be ſent out to India ſo as to take effect there early, unleſs it went in February; there was an end of any reformation in India, therefore, for another year, ſhould it not be ſent out in that month; and it was for this reaſon, without meaning to give offence to any individual Lords, that he earneſtly hoped no management, no endeavours to occaſion delay, would be practiſed. His Lordſhip repeated what he had ſaid on Tueſday laſt, that he never ſaw a bill more deliberately, nor more carefully conducted through a Committee, than this bill had been conducted through the Committee of the Houſe of Commons. Every objection had been liſtened to, and every reaſonable alteration adopted. He

wiſhed,

wifhed, therefore, as little delay as poffible might now attend it. With regard to what a noble Duke, his fucceffor and his predeceffor in office, had faid about influence, he was a little furprized. That noble Duke, upon a coalition having been formed before that, now fo much condemned, and which had proved far more unpleafant to him, had been made Mafter General of the Ordnance. The noble Duke then put his own friends into office. Nobody blamed him for it; but if influence was to be talked of, what had turned his friends Mr. Strachey, Mr. Adam, and others out? Nothing but influence. Every man at the head of an office naturally liked to have thofe about him, in whom he placed confidence. For this reafon it was, that when he came in again he brought back his old friends. The Ordnance had been called an Augean ftable. The noble Duke had fet about cleanfing it, and he thought his friends could beft affift his labours. He in like manner chofe to truft his, becaufe he thought they could re-

move

move the dirt away as faſt as any other people. But, to return to the queſtion, he wiſhed their Lordſhips would relieve the gentlemen at the bar ——

Earl Fitzwilliam ſaid, he was glad the noble Duke had mentioned the rumours that had lately prevailed, ſince it had afforded the noble Earl ſo fair an opportunity of anſwering, and declaring them falſe.

Earl Temple deſired the noble Earl not to miſunderſtand him. He had given no anſwer either one way or the other, nor would he give any anſwer, till a plain, direct, and ſpecific charge was urged: That he would meet without ſhrinking; but he would only treat rumours and newſpaper libels with contempt.

Earl Fitzwilliam again urged it to the Houſe, that the Counſel's declaration of his not having received his inſtructions till eleven o'clock the preceding evening, although

though ſo much time had elapſed ſince the contents of the bill were known, very forcibly impreſſed his mind with a ſuſpicion, that a plan of procraſtination and affected delay was adopted with a view to defeat the bill's ſucceſs. He therefore declared, he could not conſent to the motion of adjournment. With regard to the aſſertion of a noble Duke, that the Miniſter who ſhould adviſe the Crown to ſupport a bill depending in Parliament, and endavour to influence the Crown in its favour, would act unconſtitutionally, he denied the doctrine. If he knew any thing of the Britiſh conſtitution, the reverſe was the fact. The Crown could do no wrong. The Miniſter alone was reſponſible for every meaſure of government, while he was in office. He had a right, therefore, conſtitutionally, to exert his influence with the Crown, and indeed it would be impoſſible for any government to go on without ſuch exertion. The caſe was widely different, as the rumour ſtated the facts, to which the noble Duke had alluded, when he ſpoke of the

alarm,

alarm, which the rumour that prevailed univerfally for the three laft days had occafioned. The rumour confidently faid, that the noble Earl in his eye had advifed his Majefty againft ——

Earl Temple rofe immediately, and defired that the noble Earl's words might be taken down.

The Earl of Carlifle reminded their Lordfhips, that according to the order of the Houfe, when any noble Lord's words were moved to be taken down, the bar muft be cleared.

Strangers were upon this ordered to withdraw.

While they were out, as Earl Fitzwilliam merely ftated the facts alledged againft Earl Temple as matter of rumour, Earl Temple begged pardon for having given their Lordfhips fo much trouble, and waved his requeft of having the words taken down.

 The

The queſtion of adjournment was then put, and the Houſe divided.

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WEDNESDAY, *December* 17.

In purſuance of the order of the day the Lords were ſummoned on the ſecond reading of the bill for better regulating the affairs of the Eaſt-India Company, &c. which being read,

Earl Gower roſe, and obſerved, that, from the bill itſelf, and from what he had heard ſo clearly, ably, and diſtinctly urged at the bar, he could not reſiſt the impulſe of declaring his diſſent to the bill. He felt it ſo forcibly, that he ſhould not be ſatisfied with giving it a ſilent negative—it went

went to condemn where no criminality was proved—it went to rob a body of men of their corporate rights, without the appearance of guilt, nay, when their innocence was clearly eſtabliſhed. It had been called a bold and rapid meaſure; it was a bold one he would admit, for, as it appeared to him, it militated againſt the conſtitution of this country—he was happy to ſee it was conſidered as of the greateſt conſequence by many noble Lords, as well as himſelf, and had brought them, as it had done him, from their country retirements. He had not thought of coming to town until he received a copy of this bill, which he no ſooner read, than its alarming tendency made him determine to ſet off and give what weight he poſſibly could towards its rejection—that Houſe had proceeded with the moſt tenacious precaution when a body of people were to be deprived of their franchiſes in another caſe, and were ſatisfied of their delinquency before they would give their ſanction and aſſent to ſuch a meaſure; had any delinqency been proved,

 had

had any been attempted, by which these men had forfeited their chartered rights? Certainly not. It was said they are bankrupts. Was that the fact? Had not the contrary been clearly adduced, from authentic papers, documents, and statements which they had produced in their own behalf, and were now upon their Lordships' table? He would, however, state what appeared to him the pretended and the real cause for this bill. It was once pretended, that from the circumstances of the Company, the mismanagement of their Directors, and the disobedience of their servants abroad, actual ruin stared them in the face, and made a necessity for Parliament to interfere, to save them from ruin. The real cause, he suspected, was the amazing patronage that would be acquired to the Minister by this new arrangement. There might be a necessity for keeping the present Administration upon solid grounds, without the apprehension of being removed; and the influence that would undoubtedly be acquired by this measure under that consideration,

ation, was very far from being contemptible: but was that sufficient for their Lordſhips to conſent to a violation of charter, to the ſeizure of property, and the annihilation of a Company which had maintained its credit as the firſt commercial Company in the world for upwards of two centuries? Surely not. They would be convinced, that the neceſſity for this violent meaſure did actually exiſt, before they would adopt it. If the bill ſhould paſs, which he truſted would never be the caſe, and the influence that it would really throw into the hands of the Miniſter was conſidered, he conceived that the title with propriety might be altered to, An Act for regulating the Eaſt-India Company, for the better Government of Great Britain.

The Earl of Carliſle declared; that if he could agree in any point which had fallen from his noble relation, it was in the able manner in which the Counſel at their Lordſhips' bar had ſtood forth in the cauſe of their employers; but at the ſame time he entreated

treated the Houſe would recollect, they had heard only one ſide of the queſtion, and that the cauſe muſt be bad, indeed, which thoſe learned gentlemen could not put a tolerable face upon, eſpecially when there was no perſon to contradict what they aſſerted. The bill, in his opinion, was highly neceſſary; and he had not drawn his opinion from mere aſſertions only, but from the actual ſtate of the Company's affairs: their debt was enormous, and the account they had made out was fallacious and erroneous in the higheſt degree, as he would prove to their Lordſhips—in the firſt inſtance, they had charged Government with a debt of 4,200,000l. which was by no means a fair eſtimate, becauſe this was not due from Government while the Company held the monopoly of trade, and there was not, at preſent, the leaſt intention of taking that monopoly from them. Allowing, however, that they had a right to ſtate in the account of their property what was due from Government, that money being ſunk in the three per cents, if the Company

choſe

chofe to call for it, without Government's interference with their monopoly, they certainly had no right to eftimate the debt at any higher rate than the price of the funds in which that property was vefted; he fhould therefore make a deduction in the firft article of the credit fide of their account, of 1,680,000 pounds, which would reduce it to 2,520,000 pounds. The like objections were applicable to the greateft part of the eftimate they had produced, as a vindication of their flourifhing ftate. His Lordfhip then read the various ftatements, and made nearly the fame objections to them as Mr. Fox had done in the Houfe of Commons; and concluded thefe obfervations by remarking, that the Company, inftead of having a balance of upwards of 3,000,000l. they were above 6,000,000l. in arrears. This fituation of their finances was not the only neceffity for the interference of Parliament: the proceedings of their fervants abroad, who paid little or no attention to the orders of the Court of Directors, were truly alarming; they

they were guilty of the moſt violent outrages, making peace or war as beſt ſuited their own intereſt; breaking treaties and leagues with the different Princes; ſweeping the inhabitants from the face of the earth, and committing ravages and enormities, that were not only a diſgrace to the Britiſh name, but to humanity: from the inability of the Directors, which had been plainly proved; for when they had determined on the removal of one of their ſervants, the Proprietors met, overturned that determination, and voted him their thanks for his conduct, although he had proceeded in open oppoſition to the orders he had received. It was plain, therefore, ſome regulations were neceſſary, if we wiſhed to keep thoſe territories; and theſe regulations, he was firmly of opinion, would be found in the bill before the Houſe, and would fully anſwer the purpoſe, if it was permitted to paſs. The Court of Directors might contain many worthy members; but he did not perceive, that it fell within the capacity of twenty-four merchants to manage

manage with propriety the politics of ſo large a territory; they might act to the beſt of their judgment, but we had glaring proofs they did not always act right; and when they did, their orders were not paid the leaſt attention to. It had been urged, that the Company by this bill was to be deprived of their property: but he would not admit that any ſuch thing was to be the caſe; it was rather the contrary; their property being now in a precarious ſituation, Government offered their aſſiſtance to take care of it for them: but what was this property? It was not the property of an individual; it was a property in which the Public had as great, if not a much greater ſtake than the Company; and therefore, ſurely the Public, without any unconſtitutional principle, had a right to interfere and take poſſeſſion of that property, if they ſaw it miſmanaged and in danger of being annihilated; he did not ſay ſo much by miſmanagement at home, as by unwarrantable proceedings in India. He did not mean to criminate any man in particular

by thefe charges; they were not confined to any one; rapacity and difobedience many were accountable for: but this regulation was rather intended to amend than criminate, to prevent future delinquency than to accufe for paft. The violation of charters had alfo been much dwelt upon; but, according to his ideas, the State had an undoubted right to make alterations in thofe charters with which its intereft was fo intimately connected. The charter of the India Company was nothing more than a mutual agreement between them and the Public for both their advantages; they were to have a monopoly of the trade, to the exclufion of the reft of his Majefty's fubjects; that monopoly it was ftill intended they fhould poffefs; and therefore he did not fee their charter was to be violated in the leaft inftance. For thefe, among a variety of other reafons, he had been induced to conceive the bill before the Houfe as a meafure that ought to be adopted, becaufe it promifed a redrefs of the evils that had long fubfifted, a benefit to the advan-

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tages arifing from our commercial intercourfe, and a permanency and ftability to the maintenance of our territorial poffeffions in that country.

The Earl of Coventry wifhed to call their Lordfhips' attention to the dangerous innovation they were about to adopt; that of depriving a fet of Britifh fubjects of their deareft rights, their franchifes, and their property. If they were robbed of their charter, they loft their all. If charters were fet at nought, there was an end of liberty. Did we not hold our freedom under Magna Charta? and was that of fo trifling a nature, that it was to be treated as nothing? This meafure appeared as a circumftance of alarm to all corporate bodies. Who would fay, that Minifters might not next year think it advifeable to put the direction of the Bank into commiffion? — Might not the African Company expect it? —or, perhaps, they might choofe to appoint in future, the Mayor of the city of London. Thefe were conclufions he

thought every corporate body in the kingdom had a right to draw, provided the present bill was not checked in its career by their Lordſhips. He was ſo far convinced in his own idea, that it was an infringement of the rights and liberties of the ſubjects of this conſtitution, that he would move it ſhould be rejected.

The Duke of Mancheſter was in favour of the bill; he was ſo ſatisfied of its neceſſity, that he was reſolved to give it his moſt hearty ſupport. He believed the Company in their ſtatement had ſet forth many articles that never would be forthcoming — He would not ſay, that due from the Court of France for French priſoners was of a deſperate kind; but he feared the receipt was not ſo very certain, for when he had preſſed for it, they had made a claim of a large ſum for damages done by the India Company by filling up the ditch at Chenadogore. He did not mean to condemn this meaſure; it might be defenſible in politics, although they had no right

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whatever for ſuch a proceeding, and it admitted an argument againſt the demand of the India Company. The French Court had not omitted taking that advantage, and therefore he did not think it ought to be ſtated as caſh in hand; our ſituation in India, he was clear, made it very requiſite for ſome ſuch regulation as was propoſed by the bill; and unleſs that, or ſomething of equal propriety, took place, would be found to lie in the utmoſt danger.

Lord Rawdon begged the indulgence of the Houſe while he ſhould give his ſentiments upon the bill; he would not conſider it in the many points of view in which it had been ſo often held up; with reſpect to the bankruptcy of the Company, the neceſſity or preſſing occaſion for paſſing it, but merely confine himſelf to the ſingle point of its policy; he would not contend that there had not been great rapacity committed by the ſervants of the Company in India, and that ſome regulations were not very much wanted; but he would contend, this bill

bill would not be productive of theſe requiſite regulations; it would rather be productive of an influence in this country which no Miniſter ought to be intruſted with. Did their Lordſhips conſider what the patronage of India was? this patronage was to be veſted in the hands of ſeven gentlemen, who, it was natural to ſuppoſe were the friends of the Miniſter, and therefore the patronage was ultimately in him; if ſo, it was an influence too great for any Miniſter to be truſted with; and if he ſhould go out of office, any other adminiſtration would be but a ſhadow againſt him. That great boaſt of Engliſh liberty, the guardians of the people, the Houſe of Commons, he found would no longer be an independent body, but would contain a corrupt, and influenced majority. This he thought a ſufficient reaſon for their Lordſhips to aſſume their dignity, and reject a bill that had ſuch an apprehenſive proſpect for its tendency.—His objection to it aroſe not from party motives; he wiſhed not for any ſuch connection; but, from the principle of the

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bill itſelf, and that ſuch a bill, fraught with ſuch influence, ſhould meet with ſupport in noble Lords who had ſtood forth its advocates, was to him very ſurpriſing; one of them, the noble Lord at the head of the Treaſury, of whom he had the higheſt opinion, nor was his veneration for the character of another noble Lord, who filled a high office in adminiſtration, leſs; that they ſhould give ſanction to a meaſure which was palpably the meaſure of a Miniſter; and for what purpoſe?—If their Lordſhips ſaw it in the ſame point of view he did, they would, like him, execrate it. He truſted, therefore, for their own honour, for the purity of the conſtitution, and rights and privileges of the people at large, the Houſe would join with him in giving the commitment of the bill a negative.

Lord Sandwich paid many compliments to the laſt noble Lord, for the candour in which he had ſo ably deſcanted on the bill; but at the ſame time obſerved he was from principle, in many points obliged to differ from

from him; he did not perceive the ill consequences which the noble Lord apprehended, and he was thoroughly satisfied of the necessity for doing something speedily for the salvation of the Company. The noble Lord had admitted there were scenes of rapacity committed in India, which called aloud for a check; the Directors had been found, by experience, inadequate to the task; their orders were disregarded, and their commands held for nothing: he would give their Lordships a particular instance—it happened that one of the Princes, by the death of his father, came to the government of his dominions while a minor; being in friendship with the Company, they thought they could not do less than, as his protector and friend, to see to his education; for this purpose the Directors sent over, that one of the most able and best masters should be procured for his instruction; and the servants to whom these orders went, obeyed these orders; but how, and who, and what was this well-instructed teacher?—Would your Lordships believe it, they actually put him

him under the care of an old woman; nay, this was not all, but the moſt improper old woman in the country—they paſſed over his own, and put him under the care of his ſtep-mother—did not this appear as a plain mockery of the orders they received? He by no means objected to this tutor, becauſe ſhe was a female, for he was aware, and the experience of many of their Lordſhips could prove, that the inſtructions and aſſiſtance of females was of the greateſt ſervice, but then it was females who had received an European education, and not one who had been taken from a ſeraglio, and in a country where they are not allowed to think of a future ſtate; this however was thought a ſufficient inſtruction for the young Prince, or rather, as it appeared to him, done in direct oppoſition to the Directors. Was not this ſufficient to ſhew their Lordſhips how inadequate the Court of Directors were to the taſk of conducting and enforcing regulations for the advantage of the Company? He had no particular objection to any one of theſe Directors; and yet he muſt

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obferve, that no great things ought to be expected from them, if it was but recollected from what a motley groupe they were elected, men, women, children, young and old, foreigners, Jews, Papifts, and Proteftants; together with the interefts of the different fervants in India, whofe friends were fo numerous, as to render thefe gentlemen here, more their conftituents than their mafters; no wonder then fo little attention was paid to their direction. Thofe who had objected to this bill had argued a great deal on the ftate of their property: he would not fay they were bankrupts, but they had done that, which if any individual merchant had committed, he would have been looked upon as a bankrupt. Bills had become due, and they had not wherewithal to pay them. They had called their creditors together, and afked for time; with refpect to taking their property, and vefting it in other hands, it was no more than would happen in private life; their affairs were in that fituation to make them apply to their friends for affiftance, and they had produced to the perfons

perſons agreeable to lend them aſſiſtance, a ſtatement of their accounts; on the examination of which, the friends ſtill are willing to give that aſſiſtance, but obſerve your property is greatly mortgaged, your circumſtances are greatly miſmanaged: we will extricate you if poſſible, yet leſt we ſhould be involved in ruin with you, we will appoint perſons that can he truſted to have the care of the property; this is the plain caſe; the public are thoſe friends, and, doubtleſs ought to have ſome ſecurity for their truſt. His Lordſhip dwelt for a conſiderable time on the enormities committed abroad, defended the bill in a moſt able manner, and concluded by recommending it as worthy the approbation of the Houſe.

The Duke of Richmond and Lord Walſingham roſe together: His Grace begged to be heard firſt, becauſe he was anxious to ſay a few words, and he was ſure from the very valuable fund of information which the noble Lord poſſeſſed upon the ſubject of India, he ſhould have no chance

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of being attended to by their Lordſhips, if the noble Lord was to ſpeak before him. He ſaid, the Houſe was to be determined by the arguments and proofs, and not by the declamation of Counſel, a term which had been uſed by the noble Duke who ſpoke before him. That they had proved the affairs of the Company to be far from that ruinous ſtate in which they were repreſented to be. That, after perſonal liberty, private property was firſt under the protection of the law. If the Company have committed acts that warrant a forfeiture of their charter, why not try them before a Court of Judicature? If they are guilty of criminal offences, let them be arraigned as criminals. The interference of the Legiſlature, he inſiſted, was, in ſuch caſe, an infraction of liberty; and though ſome caſes might warrant the interference of the Legiſlature, yet that this was not one of that nature. The Company's charter had been renewed only two years back; gentlemen had purchaſed that ſtock, relying upon that charter.

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He had often heard it urged as an argument againſt equalizing the land-tax, that eſtates had been purchaſed under a confidence that the Legiſlature would not equalize it. Would not this argument apply more ſtrongly to the preſent caſe of the Proprietors of India Stock, who had purchaſed under the confidence that Government would not abrogate or annul a Charter, which was only two years ſince ſolemnly renewed. This bill, his Grace obſerved, was ſuppoſed by ſome noble Lords to be intended merely to increaſe the power of a certain Secretary, for whom, notwithſtanding his difference with him in politics, he had a moſt ſincere friendſhip and eſteem. [Here the Duke made ſome handſome encomiums on his honourable relation, which it is needleſs for us to report minutely]; but however this bill might tend to increaſe the influence of an individual, his principal objection to it, conſidered in this light, aroſe from the dangerous innovation it made in the conſtitution, by confounding the powers of Government, and by giving to a branch

branch of the legiſlative a part of the executive power. That this bill placed the government of India in the hands of the Commons, and their Lordſhips need only recur to Holland to remark, how improper a democratic aſſembly is to manage the execution of public affairs. He was againſt the bill going into a Committee, where a noble Duke, who had ſpoken before him, ſaid, it might be ſo altered and modified, as to meet with the concurrence of the Houſe; but, he urged, that no amendments or alterations could be effected to rectify what was in itſelf wrong *ab initio*: that he did not approve of the general principle: a vaſt continent in India was to be governed by ſeven Commiſſioners, reſident in Britain, who were to tranſmit their orders to officers appointed in India, to carry them into execution. But he appealed to their Lordſhips, if orders, which were exceedingly proper at the moment they were given, might not be highly the reverſe at the moment of execution. No orders were,

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in fact, to be implicitly obeyed; and on every trial for disobedience of orders it has always been enquired, whether such disobedience of orders was necessary or not. He needed not to remind their Lordships of a recent transaction at Saratoga. Here it was disputed, and remains to this moment a doubt, whether General Burgoyne's orders were peremptory or discretional. Besides, he saw nothing in the bill by which the new Commissioners were invested with powers superior to those of the old Directors; nor did he see why the power invested in the Commissioners, might not as well be confided to the Directors. The evidence, his Grace contended, was partial and insufficient, and that it was absurd to imagine that their Lordships could derive an adequate information from a few papers laid upon the table, by a member who was professedly an advocate for the bill. If a full and sufficient investigation of the Company's affairs be required, and without such full investigation it would be the heighth

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of injuſtice to deprive them of their property, and annihilate their charter; why not commit it to ſeven or eight members of the Houſe?—to a ſmall committee—before which alone, and not before the whole Houſe, ſo complicated a detail could be examined and enquired into with effect. To excuſe the violation of the Company's property, it had been urged, that there are two kinds of property; one poſitive, and the other qualified, in which the public had a ſhare or were intereſted. But, his Grace maintained, that there is no property in the kindom but what the public has ſome intereſt in; as it is only of the aggregate poſſeſſions of individuals, that the public property conſiſts. He inſiſted, that the Counſel had laid a juſt, exact ſtatement of the Company's property before their Lordſhips; and in the objections that had been ſtated to it, by a noble Lord, who ſpoke, laſt, he could have wiſhed that one circumſtance had been omitted, viz. the mention of the improbability of recovering a debt from the Court of France; and he could

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not but think it improper and impolitic in the noble Duke to introduce it, though he knew not but the noble Duke might be authorifed by his inftructions to do it, whilft a negociation, relative to that very demand, was pending; for it could not be imagined but that the French Miniftry would take the advantage of the Ambaffador's declaration, and in confequence of what he faid, be ftill more inclined to difpute the Company's demand, and with-hold the payment of it.

This called up the Duke of Manchefter, who faid, he fhould be happy to meet the noble Lord who fpoke laft; and after communicating to him his inftructions, convince him that he had neither been guilty of imprudence or impolicy, in what he had faid relative to the demand made by the East-India Company on the Court of France. He had only urged it as a fallacious ftatement, to fet down as cafh, what was ftill a matter of litigation; and, to fay the beft of it, doubtful in the iffue.

The Duke of Richmond, in reply, ſaid, all he meant was to inſinuate the impolicy of touching on a matter in that Houſe, from the diſcuſſion of which, an advantage might, and moſt probably would, be taken by the adverſary.

The Duke of Mancheſter roſe once more, and delared, that he had divulged nothing that ought to be kept ſecret, or that could give the Court of France any advantage in the diſcuſſion of the article alluded to.

Lord Walſingham obſerved, that after the very flattering diſtinction, and the very undeſerved compliments that had been beſtowed upon him by the noble Duke in the blue ribband, their Lordſhips might be led to expect an ampler diſcuſſion of the ſubject before them than he was able to give it; it would certainly, therefore, be neceſſary for him to apologize to their Lordſhips for the very imperfect manner in which he ſhould deliver his ſentiments upon the moſt important ſubject that, perhaps,

haps, had ever engaged their Lordſhips' attention. The bill then before the Houſe was a bill which certainly took away from the proprietors of Eaſt-India ſtock, all management or interference in their own affairs. It tended, undoubtedly, to depreciate the value of their ſtock; becauſe every proprietor of that Company had certainly a right to conſider the ſhare of patronage, which he heretofore enjoyed, as a part of the rights and privileges to which he was entitled, and that no lawful advantage, which the poſſeſſion of his ſtock gave him, was to be forfeited, without delinquency fully proved againſt the Eaſt-India Company. Having ſtated this very fully, his Lordſhip declared, that, admitting the neceſſity of the interference of Government to be apparent, that interference ſhould be ſuch as the Conſtitution of this country knows, and acknowledges. If the controling power, now enjoyed by his Majeſty's Miniſters, is not ſufficient, or if the affairs of India are of ſuch a magnitude as to require a new eſtabliſhment,

let there be appointed a third Secretary of State; but let the patronage of the Company remain with the Directors and Proprietors. I contend, ſaid his Lordſhip, that if we touch that, we ſeize their property. Let this office be eſtabliſhed, as it ought to be, under the Crown. This country can know no other executive power but that of the Crown. I hold this to be the firſt principle of our Conſtitution; and when we eſtabliſh any other power in the kingdom, we deſtroy the Conſtitution. There is another point, my Lords, in which I differ moſt materially — The friends of this bill contend, that the Government of India ſhould be in this country. It is impoſſible, my Lords; you muſt govern India, in India; and from the moment a contrary ſyſtem is adopted, the loſs of India will not be very diſtant. Do we not all know, my Lords, that the powers of men's minds have been called forth in India, in a very wonderful manner, by the unexpected events which have tranſpired in that country: but the moment

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you deprive the Government upon the ſpot from diſcovering and rewarding merit — the moment you fill up all offices in that country from this, thoſe great efforts of the human mind, which have been exerted to our admiration and ſurpriſe, will appear no longer. Shall Mr. Haſtings, or any other Governor General who may ſucceed him, be the judge of merit under his own eye; or ſeven men, at the diſtance of twelve thouſand miles from the ſeat of action. With reſpect to the ſtate of the Company's affairs, one of the reaſons aſſigned for the preſent bill—I think it proſperous, all circumſtances conſidered; nor do I ſee how the ſeven new Directors can fill their Treaſury any more than the twenty-four gentlemen who are to be removed. As to the miſmanagement of the Company's affairs abroad, that, my Lords, is a wide field.

I profeſs myſelf an admirer, a great admirer of Mr. Haſtings; but, my Lords, I am not ſo enthuſiaſtic an admirer of that gentle-

gentleman as to ſuppoſe, that, in the twelve years of his government, there are no parts of his conduct not reprehenſible. Not that, my Lords, I will ſay, and with confidence, if that great man had been removed during the war, we ſhould not now be diſputing as to the mode by which we ſhould govern India, becauſe, my Lords, we ſhould not have had India to govern. The noble Earl (Sandwich) has given your Lordſhips a long account of enormities committed in India, but he has totally omitted to ſtate to your Lordſhips, the dates of the ſeveral tranſactions he has mentioned. He tells you, my Lords, that Mr. Haſtings, whoſe name, by the by, the noble Lord did not mention, though he profeſſed to have a high opinion of him; but he tells you, my Lords, that Mr. Haſtings appointed an old woman to be the guardian of the perſon of the Nabob of Bengal, during his minority; and this is repreſented as a ſtrange act of abſurdity, or ſomething worſe. But, my Lords, Mr. Haſtings aſſigned good and ſufficient

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reafons for his choice. If a native of rank had been appointed, Mr. Haftings dreaded the influence it would give him in Bengal. If a near male relation, he feared for the Nabob's life. The Directors very warmly approved the choice, and the tranfaction happened in 1772. Whenever your Lordfhips go into the whole of Mr. Haftings's conduct, you will find thofe parts which now appear reprehenfible, very different from what they are reprefented. I fpeak with refpect of the tranfactions in another place; but furely your Lordfhips muft allow, that the reports of the Select Committee carry upon the very face of them the ftrongeft marks of partiality. To criminate Mr. Haftings, appears the fole end of each report; but, my Lords, has his conduct been fairly reprefented? I wifh, on fome future day, to fee him at that bar, when I am fure he will recover from your Lordfhips a complete acquittal from all the charges not brought, but infinuated againft him. Look, my Lords, to the great actions of Mr. Haftings, and thofe who ferved

ved under him. My Lords, the campaign in Guzzerat, the capture of Ahmedabad and Bafleen, the ftorm of Sindia's camp, and the other important events which have occurred during the Maratta war, when the officer of Mr. Haftings's choice, General Goddard, commanded the Britifh army, will adorn the page of hiftory in future times. The feparate army formed by Mr. Haftings to attack the dominions of Madajee Scindia; the capture of the important, and, till then, impregnable fortrefs of Gualior, by Colonel Popham, is an event worthy to be recorded to the lateft times. My Lords, it is abfurd, it is ridiculous to fay Mr. Haftings was the author of the Maratta war. It began at Bombay: It was concluded in Bengal. The peace was difapproved of at home. Mr. Haftings was inftructed to feize the fitteft opportunity for breaking the treaty. The noble Earl in the green ribband has faid Mr. Haftings called the Maratta war his war. No, my Lords, he never did; but he conjured Mr. Francis and Mr. Wheeler,

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as they threw the reſponſibility upon him, from a particular period, to permit him to conduct it, and the merit of the peace is all his own. The merit of relieving the Carnatic, to which we owe the preſervation of India, is all his own. Sir Eyre Coote has confeſſed it. The merit of inducing the Nizam to remain neuter, and of purchaſing the march of Colonel Pearſe's army through the Maratta country, is all his own. The time will come, when theſe ſervices will be acknowledged. When your Lordſhips ſhall make the inſurrection of Benares, or the ſtate of the Vizier's country the ſubject of enquiry, Mr. Haſtings's conduct will then appear in a very different point of view; allowances will be made for the difficulties with which the State was ſurrounded. We were the ſovereigns of Benares, and Mr. Haſtings had a right to exact military ſervice from the Zemindar. Do your Lordſhips mean, that under no circumſtances military ſervice is to be exacted? If ſo, your empire in India may be ſhort indeed. On ſuch a tenure,

no Zemindar in India ever ſtood. It is in proof, from the evidence of Captain Harper, to the Select Committee, that Bulwant Sing, father of Cheyt Sing, always furniſhed his quota of military force to his Sovereign in time of war, independent of the annual revenue he paid—we became the Sovereign—we had a right to exact military ſervice, and it was ſtrictly conſonant to the conſtitution of the Mogul empire. My Lords, if I view Mr. Haſtings as a financier, how much reaſon ſhall I have to admire his conduct? When he arrived in Bengal in 1772, the Company owed upon bond, one million three hundred thouſand pounds: this debt he paid off. I reſpect the memories of the gentlemen who were ſent to India in 1774, and died there; but unfortunate was it indeed for this country, that they ſo very early differed from Mr. Haſtings, and carried their differencies to ſo great a height—If they had not, Bengal would have been the firſt Government in the world. Can there, my Lords, be a greater proof of Mr. Haſtings's

tings's knowledge of the revenues of Bengal than this? That he has actually increased them one million sterling, and preserved his own provinces in tranquillity, though war has desolated other parts of India. — Let not your Lordships be carried away by idle declamation — examine into facts, and you will find that Bengal is in a flourishing situation; and that, perhaps, no country has improved so much as that has done, since Mr. Hastings governed it, though he came there only two years after a destructive famine, which had swept away above a third of the inhabitants of Bengal. Peace is now completely restored — retrenchments in expence have taken place in every department; and in a very few years our situation in India will be more flourishing than ever, if we do not ruin that country by the measures adopted in this. I know no man but Mr. Hastings who can reduce your expences, and pay off your debts in India. He will do it, I am confident, if he is properly and constantly supported from home; and therefore I can-

not approve a bill, which has for its object the removal and disgrace of so great a man, were my other objections, which are invincible, done away.

The Earl of Derby followed, and supported the bill upon the necessity there was for checking the public delinquency of the servants of the Company in India. He adduced a variety of letters and extracts to prove the barbarity that had been exercised in that country; then went into the transactions of Mr. Hastings with Cheyt Sing, whose conduct he highly reprobated, both for cruelty and breach of public faith to that prince; and after dwelling for a considerable time on the different proceedings of the Councils of Bengal, Madras, and Bombay, all of whom he charged with a variety of delinquency at different periods, from 1763, he concluded with saying, that he saw how the bill was to go; and it was an appearance which in his mind was most alarming to the independence of Parliament; for without referring to any particu-

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lar rumour, and without mentioning or alluding to the name of any Peer, he muſt ſay that the circumſtances attending that bill ſhewed, that there had been an interference of a moſt unconſtitutional kind. What elſe could there have been, when they ſaw that after members had pledged themſelves in the moſt ſacred and unequivocal manner to the ſupport of this bill, they ſhould now change their opinion and act againſt it? To what could ſuch conduct be aſſigned, but an interference which their Lordſhips ought to dread more than any calamity that could be derived from the operation of this bill, admitting even that its operation ſhould be as calamitous as it was ſtated to be. Better that the territories of India ſhould for ever be loſt to this country, than that an interpoſition ſhould exiſt by which the independence of this Houſe ſhould be deſtroyed.

Lord Camden ſaid, that he came down unſolicited, and unconnected, to deliver his candid and independent opinion on the bill.

bill. He declared himſelf an enemy to its principle, for it was a moſt violent infringement of the property of the greateſt Company in the world. It in fact deprives them of their property; for though under the bill, there was a ſpecious appearance of the property being preſerved for the benefit of the Company, yet, when it was conſidered that that property was to be put in truſt; that it was to be managed by others; and that thoſe who were to manage it, were neither to be appointed nor controled by the Proprietors, their Lordſhips would believe that it was in fact a deprivation of property: for if a ſteward, or truſtee was placed in the poſſeſſion of their Lordſhips' rents and rights, and that ſteward or truſtee was neither to be dependent on, nor to be controled by them, would they imagine that they had any available property in their eſtates? It was the quality of property to be ſubject only to the owner. It changed its nature when he loſt his authority over it. A perſon who had delivered his property over to the management of another in truſt,

might,

might, indeed, have a certain annual benefit from it, but he was not the independent possessor of his own property, for he could not convert it to his own uses, nor take any advantage from it, but his annual stipend.

This bill, therefore, pronounced either a commission of bankruptcy, or of lunacy on the Company. It pronounced them to be either unable, from want of property, to proceed in their trade, or from want of mental capacity. The only argument for this violent measure was, that of necessity; a plea which had been used by every Minister, good and bad, and also by every King for the worst and most atrocious acts that were ever perpetrated. Necessity was one of those vague terms which might always be used with or without meaning; but in this case nothing could be admitted as an argument, but a great State necessity. Did such a necessity exist? He believed not; or at least it did not appear on the face of their proceedings, or on any of

of the grounds which had been exhibited. The Company were not proved to be in a bankrupt ſtate. They had produced a ſtatement of their finances. They had ſhewn that by the calamities of war they had ſuffered a loſs of ſeveral millions, in conſequence of exertions which operated to the advantage of this country. They had ſhewn that their embarraſſments were merely temporary; their creditors were not clamorous; their circumſtances were not deſperate. Nothing was more common in the contingencies of a merchant's fortune, than that in a hard run upon his credit, he ſhould call together his friends, expoſe his circumſtances, and when his creditors found that his bottom was good, to give him time, and rank him in the ſame ſolid eſtimation as before. This was exactly the Company's caſe. They wanted nothing but indulgence for a ſhort time; they expoſed their books to Government for the purpoſe of convincing them that their credit was good; aud no neceſſity appeared that juſtified the violent infringement attempted by this bill.

Did there a neceſſity exiſt of another kind? Were the preſent conductors of the Company's affairs incapable of managing them? He ſaid, they were not proved by any evidence that he had ſeen to be incapable. Nothing had even been imputed of blame to the Court of Directors. They were acknowledged to have written their diſpatches with the moſt ſenſible policy; and to have ſtudied, purſued, and accompliſhed the real intereſts of the Company. But certain abuſes were mentioned, and the conduct of Mr. Haſtings was brought forward, to prove how ſhamefully the affairs of the Company had been adminiſtered in India. Without entering into the queſtion of Mr. Haſtings, who was, by the bye, the ſoul of our ſucceſs in India, he aſked, if, when Government interfered, they had been able to puniſh guilt more than the Court of Directors? He inſtanced the caſe of the perſons convicted for the treatment of Lord Pigot. When thoſe men came into the court to receive judgment, they came with their pocket books full of bank notes, and propoſed with as

much facility to pay 20,000l. as they paid 1000l. Was this the inſtance by which the officers in India were to be taught, that they were not to commit crimes with impunity? It was idle to talk of the guilt of the Court of Directors in ſuch inſtances as theſe, when Government had, in fact, given their countenance to every meaſure of the Directors for many years paſt. Give the Court of Directors the power that is given by this bill to the ſeven new Directors, and try if then they will not be able to regulate the affairs of the Company in India. Free them from the controul of the Proprietary, and ſubject their diſpatches to the peruſal of Miniſters, and you will not be oppoſed by all men, as acting the part of violators and deſtroyers of rights ſecured by charters. In no part of this whole buſineſs did there appear any other neceſſity for the bill, but the neceſſity that Miniſters muſt keep their places. This was the only neceſſity which appeared; and that that was the only neceſſity which had given riſe to the bill, appeared from one clauſe of it — that which gave the Miniſter the power of appointing to every

every office in India, great and ſmall. The influence of the Crown had been curtailed by certain bills, and they required this bill to ſupply the place of thoſe acts which diminiſhed the influence — and, indeed, it did it in a moſt ample manner. He called the Houſe to remember what pains, what efforts they had uſed to gain thoſe points; and were they now to paſs a bill which granted more patronage than was poſſeſſed by almoſt any potentate in Europe? He ſpoke of the Marquis of Rocking's ſteady perſeverance to the end in the doctrines of Whiggiſm, and lamented that ſome of thoſe who called themſelves his friends, ſhould now favour a ſyſtem ſo inimical to that ſyſtem which it had been the labour and end of that great man's life to eſtabliſh.

Earl Fitzwilliam entered at conſiderable length into the arguments for the bill, and to ſhew that the Company's finances were indeed ſuch as to call for the immediate interference of Parliament; he enumerated a variety of objections to the ſtatement of

their affairs, pointing out the fallacies of their account, and ſhewing that they were not only in great and urgent neceſſities, but that, without the preſent interpoſition, they muſt be precipitated to ruin. He referred to what the noble Lord had ſaid of the principles and purity of the Marquis of Rockingham. He paid him the warmeſt compliments. Yes, that noble Lord was always againſt the unneceſſary and corrupt influence of the Crown. He had conſtantly been for the diminution of the power of corruption; but was he an enemy to ſtable and permanent government? No as he wiſhed for order, for regulation, for peace, and all the comforts of a government ſoundly adminiſtered, he wiſhed to ſee Adminiſtration ſupported by fair, public, and reſponſible influence. If that noble Marquis had perceived the ſort of influence which was now but too apparent, he would have condemned it with more energy, with more determination, and conſidered it with more alarm than he could expreſs in words. His mind, filled and actuated by the motives of Whiggiſm, would ill brook to ſee a dark and ſecret in-

fluence

fluence exerting itſelf againſt the indepen-dence of Parliament, and the authority of Miniſters.

Lord King ſpoke againſt the bill, and with conſiderable heat demanded, if, as it was ſaid, that certain Peers were influenced by ſecret and unavowed means, he was ranked among the number. He dared any man to ſay that he was dictated to in his opinion on this or upon any other occaſion.

Lord Gage ſupported the bill on the ſame independent ground. He had connections with no Miniſters. He had received favours from none ſince the days of his friend the Duke of Newcaſtle.

The Earl of Radnor oppoſed the bill as a moſt violent infringement on the liberties of the Company, and, with theirs, on the liberties of the people.

The Biſhop of Saliſbury ſaid, that if Miniſters would ſay that in the Committee, ſome clauſes to which he objected would be expunged, he would vote for the commitment.

mitment. He mentioned what thofe claufes were. He thought the principle of the bill a good one.

The Earl of Carlifle faid, that on the queftion of commitment it was impoffible to fay what the Committee would do.

The Earl of Coventry then moved, that the bill be rejected.

Some converfation occurred on an expreffion thrown out by Earl Fitzwilliam in the preceding debate, which being fatiffactorily explained, the queftion was put, and the bill rejected without a fecond divifion.

The following is an accurate LIST of the Divifion in the Houfe of LORDS on Monday laft; and alfo of the Divifion on Wednefday:

MONDAY, December 15.

HOUSE of LORDS on the INDIA BILL, it was moved to adjourn.

CONTENTS.

Abps. Canterbury	Dukes of Richmond	Dukes of Brandon
York	Rutland	Chandos

Dukes

Dukes of Dorset
Bridgewater
Earls of Salisbury
Denbigh
Winchelsea
Chesterfield
Essex
Doncaster
Abingdon
Coventry
Galloway
Aberdeen
Dunmore
Marchmont
Ferrers
Tankerville
Aylsford
Harborough
Macclesfield
Effingham
Brooke
Gower
Temple
Harcourt
Cornwallis
Delawar
Radnor
Chatham
Earl of Clarendon
Bathurst
Ailesbury
Vis. Weymouth
Sackville
Bishops of Salisbury
Rochester
Worcester
Chester
Exeter
Lincoln
Litchfield and Coventry
Lords Abergavenny
De Ferrars
Percy
Paget
St. John
Osborne
Romney
King
Talbot
Chedworth
Vere
Grantham
Scarsdale
Boston
Beaulieu
Lords Walsingham
Camden
Amherst
Thurlow
Brudenell
Grantley
Rawdon
Sydney — 6[illegible]

BY PROXY.

Duke of Leeds
Queensberry
Northumberland
Marquis of Lothian
Earls of Pembroke
Stanhope
Waldegrave
Darlington
Hillsborough
Visc. Wentworth
Courtenay
Bishops of London
Durham
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Prince of Wales
Dukes of Devonshire
Portland
Manchester
Earls of Derby
Suffolk
Westmoreland
Peterborough
Stamford
Sandwich
Carlisle
Plymouth
Scarborough
Jersey
Cholmondeley
Glencairn
Cassilis
Earls of Powis
Lauderdale
Dartmouth
Buckinghamshire
Fitzwilliam
Egremont
Ilchester
Spencer
Mansfield
Viscounts Hereford
Townshend
Stormont
Maynard
Hampden
Keppel
Bp. of Winchester
Peterborough
Bp. of Oxford
St. David's
Gloucestar
Bristol
Lords Audley
Craven
Boyle
Cadogan
Monson
Montfort
Sandys
Ponsonby
Walpole
Sondes
Pelham
Vernon
Cardiff

Lords

Lords Brownlow
Harrowby
Foley
Loughborough
Gage —
Bagot 57

By Proxy.

Dukes of Bolton
Marlborough
Gordon
Duke of Atliol
Earls of Exeter
Oxford
Eglingtoun
Roſeberry
Suſſex
Harrington
Guildford
Hardwicke
Fauconberg
Earl of Northington
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NOT CONTENTS.

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Wednesday, December 17.

That the ſaid BILL be rejected.

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As before 69
Deduct
Bp. of Rocheſter 1
—
68
Add
Duke of Ancaſter
Earl of Abercorn
Earl of Mansfield
Viſcount Stormont
Howe
Lord Groſvenor
Milton
7
—
75

Proxies.
As before 18
Add
Earl of Oxford
Lord Dacre
2
—
20

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As before 57
Deduct
Prince of Wales
Earl of Egmont
Mansfield
Viſcount Stormont
4
—
53
Add
Earl of Huntingdon
Hertford
Viſcount Montagu
Lord Stawell
4
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57

Proxies.
As before 22
Deduct
Earl of Oxford
Hardwick
Lord Rivers
3
—
19